

and such person shall be made parties defendant.

Sec. 57. If judgment be rendered for the plaintiff in any action, execution shall issue against the defendant, if any, other than the Treasurer of the State, and if such execution be returned unsatisfied in whole or in part, or if there be no such defendants, then the clerk of the court in which the judgment is rendered shall certify to the auditor of public accounts the amount due on account thereof, and the same shall then be paid by the State Treasurer out of the assurance fund on warrant from said auditor into a special appropriation hereby made of said fund for that purpose. Any person other than the Treasurer of the State against whom any such judgment may have been rendered, shall remain liable therefor, or for so much thereof as may be paid out of the assurance fund, and said Treasurer may bring suit at any time to enforce the lien of such judgment against said person or his estate for the recovery of any amount, with interest paid out of the assurance fund as aforesaid.

Sec. 58. In the event any person shall register his land under this Act, he shall pledge his certificate for a loan, or as security, with any person, firm or corporation, and should there be default in the condition of such pledge, unless otherwise provided by such contract, the said land shall be sold in the county where the same or the greater part thereof is located and shall be sold only after advertising the time, place and terms of sale for the time and in the manner required by law for sales under deeds of trust.

Sec. 59. Registration shall not be compulsory on the owner of any land lying within this State.

Sec. 60. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 61. The fact that no adequate law exists in this State for the registration of land titles, on account of which land titles are rendered uncertain and litigation is encouraged, together with great inconvenience, the crowded condition of the calendar and the near approach of the end of the present session of the Legislature, creates an emergency and requires that

the constitutional rule requiring bills to be read on three several days in each house shall be suspended, and the same is hereby suspended and this Act shall take effect from and after its passage.

THIRTIETH DAY.

Senate Chamber,
Austin, Texas,
Friday, February 16, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Farr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent—Excused.

Decherd.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Excused.

Senator Decherd for today and indefinitely, on account of sickness, on motion of Senator McNealus.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Clark:

S. B. No. 376, A bill to be entitled "An Act to amend Sections 7, 9 and 38 and add a new section thereto to be known as Section 42a, and extending the provisions of said Act to the counties of McMullen and Atascosa, of Chapter 49 of the General Laws of the State of Texas for the year 1901, entitled 'An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas, and making the county commissioners of said counties ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said counties, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for special road and bridge tax to be levied for Fayette, Uvalde and Frio counties; and providing further, making this law cumulative of the General Laws, and in case of a conflict this Act to govern as to Fayette, Uvalde and Frio counties, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-second Legislature, as to Fayette and Frio counties, so that said sections shall hereafter read as hereinafter set forth."

By Senator Dean:

S. B. No. 377, A bill to be entitled "An Act to amend Section 1 of Chapter 58 of the Special Laws of the

Regular Session of the Thirtieth Legislature of the State of Texas; creating the Huntsville Independent School District in Walker County, Texas, and defining its boundaries, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Hudspeth and Caldwell:

S. B. No. 338, A bill to be entitled "An Act making appropriation for the benefit of the Texas State Confederate Home, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Lattimore:

S. B. No. 379, A bill to be entitled "An Act to amend Section 1 of House Bill No. 34, enacted by the Thirty-fifth Legislature and approved by the Governor February 13, 1917, relating to the creation of a juvenile board within certain counties of this State, and prescribing the duties and powers of such board, including the appointment by it of probation officers, and providing for the payment of compensation of such officers, and allowing the said district judges an additional salary to be paid out of the general revenue fund of such county, and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufactures.

Bills Signed.

The Chair (Lieutenant Governor Hobby) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 165, A bill to be entitled "An Act to amend Chapter 8, Acts of the Regular Session of the Twenty-eighth Legislature, the same being entitled 'An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of fifteen

years, and to provide a penalty for their misapplication,' by extending the provisions of said Act for a period of ten years from September 1, 1918."

H. C. R. No. 14, Granting Hon. William N. Bonner, judge of the Thirtieth Judicial District of Texas, leave of absence from the State during vacations of his court.

H. C. R. No. 13, Requesting all persons interested in House Bill No. 652 to appear before a joint meeting of the Committee on Educational Affairs of the Senate and the Committee on Education of the House at a meeting to be held in the Hall of Representatives at 7:30 o'clock p. m. February 16, 1917.

Senate Bill No. 299—House Amendments Concurred In.

Senator Caldwell called up as a privileged matter,

S. B. No. 299, A bill to be entitled "An Act to create and establish the county of Hudspeth out of a part of El Paso County," etc.

The following House amendment was read and concurred in, on motion of Senator Caldwell:

Amend Senate Bill No. 299 by striking out of Section 3, beginning in line 3 and ending in line 5, the following words: "To employ a competent surveyor or surveyors to run, fix and mark the lines of said county, make field notes thereof, to establish its corners and boundaries."

Senate Bill No. 85—Returned to the House.

Whereas, Senate Bill No. 85, being an Act to rearrange the court calendar in the Sixteenth Judicial District of Texas, finally passed the House on the 15th day of February, 1917, without a roll call, and it is necessary, in order for said bill to take effect at the proper time, to have a roll call in the House; therefore be it

Resolved by the Senate of Texas, That Senate Bill No. 85 be returned to the House with the request that the vote by which the same was finally passed be reconsidered and said bill be again put on its third

reading and final passage with roll call, so as to put the same into immediate effect.

HOPKINS.
DAYTON.

The resolution was read and adopted.

Senate Bill No. 108.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 108, A bill to be entitled "An Act providing for Statewide tick eradication throughout the State of Texas, and to provide for the expenses of conducting the work in the several counties, to prescribe penalties for violations of this Act and to provide process to compel compliance by the commissioners courts and the members thereof with the provisions of this Act, and of orders and regulations of the State of Texas Live Stock Sanitary Commission, and repealing all laws and parts of laws in conflict herewith."

The committee report, carrying with it a committee substitute bill and recommending that same be not printed, was adopted.

Senator Dayton offered the following amendment, which was read and adopted:

(1) Amend the bill by striking out the word "Kinney" in Zone 1, page 439, of Journal, after the words "Val Verde," and insert the word "Kinney" after the word "Uvalde" in Zone 2, page 439 of Journal of February 12.

CALDWELL.
DAYTON.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 108 put on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Clark.
Bee.	Dean.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hall.

Harley.	McNealus.
Hopkins.	Parr.
Hudspeth.	Robbins.
Johnson of Hall.	Smith.
Johnston of Harris.	Strickland.
King.	Sulter.
Lattimore.	Westbrook.
McCollum.	Woodward.

Nays—1.

Alderdice.

Absent.

Dayton.

Page.

Henderson.

Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dean.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Hudspeth.	Woodward.

Nays—2.

Alderdice.

Hopkins.

Present—Not Voting.

Sulter.

Absent.

Dayton.

Page.

Henderson.

Absent—Excused.

Decherd.

Senator Parr moved to reconsider the vote by which Senate Bill No. 108 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 231.

(Special order.)

The Chair laid before the Senate, on second reading:

S. B. No. 231, A bill to be entitled "An Act authorizing the State Normal School Board of Regents to purchase the properties of the East Texas Normal College located at Commerce, in Hunt County, Texas, in so far as the appropriation made provides for the purpose and to receive the balance of the value thereof as a donation in the event the board should find the facts stated in the preamble to this bill substantially true, and providing that if the board should not find the properties equal to the value stated in the preamble they may decline to purchase the property until further directed by the Legislature; providing for an examination of the title of the property by the Attorney General, the execution of deeds and bills of sale to the Governor of the State for use and benefit of the State; creating a normal school to be one of the normal schools of the State, to consist of the original equipment, properties and buildings of the present existing East Texas Normal College located at Commerce, as aforesaid; providing that said normal college shall be conducted as other State normals, under the management and control of said board; declaring that all laws of the State applicable to State normals shall be applicable to said East Texas Normal College; providing that the appropriation shall not be paid over in the consummation of the purchase to the properties here referred to prior to the 31st of August, A. D. 1917; authorizing the said board after the purchase of the property to permit the school to continue under its present management as a private institution until the Thirty-sixth Legislature makes an appropriation for its support and maintenance; appropriating the sum of \$80,000 for the purchase of said property, and declaring an emergency."

Pending special order.

Special Committee Report.

The special committee appointed by the Lieutenant Governor pursuant to Simple Resolution No. 66, and to which said resolution was referred, here made its report, which will be found in full in the Appendix, and on motion of Senator Lattimore the

report was received and the committee discharged.

Hon. H. P. Brelsford.

Ex-Senator H. P. Brelsford, who was on Tuesday, February 13, extended the privileges of the floor here appeared and addressed the Senate.

Simple Resolution No. 66.

The Chair laid before the Senate and Senator Lattimore moved the adoption of:

S. R. No. 66, Providing for an investigation of affairs of the State University.

The motion was withdrawn and Senator Lattimore moved that the resolution be laid on the table subject to call.

The motion prevailed.

Executive Session—Time Changed.

Senator Lattimore moved to rescind the action of the Senate by which the time for Executive Session was set for 10:30 o'clock today.

The motion was unanimously adopted.

Executive Session—Time Set.

Senator Lattimore moved that the Senate go into executive session at 2:30 o'clock next Tuesday afternoon for the purpose of considering all appointments of the Governor that have not yet been acted upon by the Senate.

The motion prevailed.

Senate Bill No. 58—Set As Special Order.

By unanimous consent and on request of Senator Strickland Senate Bill No. 58 was set as a special order for next Wednesday, February 21, at the conclusion of the morning call.

Senate Bill No. 244.

Senator Floyd moved that Senate

Bill No. 244 be laid on the table subject to call.

The motion prevailed.

Simple Resolution No. 82.

Whereas, Two distinguished citizens and ex-members of this body are now in the gallery; therefore, be it

Resolved, That the privileges of the floor of the Senate be extended to our old time friends and associates, Hon. H. L. Darwin of Cooper, and Hon. J. M. Terrell, and that they be invited to address the Senate.

ROBBINS,
CLARK,
KING,
HENDERSON.

The resolution was read and adopted.

Bills Signed.

The Chair, Lieutenant Governor Hobby, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 85, A bill to be entitled "An Act to amend Section 16, of Article 30, of Title 5, of the Revised Statutes of Texas of 1911, so as to declare what counties compose the Sixteenth Judicial District of Texas; to fix the time for holding court in the various counties of said district; to make the process issued or served before this act takes effect, including recognizances and bail bonds, returnable to the terms of court as herein fixed; to repeal all laws in conflict herewith, and declaring an emergency, and fixing a time for this act to take effect."

S. B. No. 124, A bill to be entitled "An Act to provide an appropriation for the maintenance and support of the Agricultural and Mechanical College of Texas in conformity to the provisions of an Act passed by the Thirty-fourth Legislature providing for the issuance of certain State bonds and authorizing the retirement of certain bonds of the State of Texas, etc.," and declaring an emergency."

S. B. No. 243, A bill to be entitled "An Act to validate all sales of public free school lands which were pur-

chased from the State and fully paid for which patents were signed by Governor J. S. Hogg on the 22nd and the 23d days of October, 1894, and on the 30th day of November, 1894, and declaring an emergency."

S. B. No. 226, A bill to be entitled "An Act to amend Section 19, Chapter 67, of the Regular Session of the Thirty-second Legislature, which was approved March 11, 1911, relating to the term of office of the Criminal District Attorney of Harris County, and to amend Section 22 of the Act mentioned, as originally passed and as amended by Chapter 14 of the General Laws of the Regular Session of the Thirty-fourth Legislature, relating to the pay of the assistant criminal district attorneys of said county; repealing all laws in conflict herewith and declaring an emergency."

H. B. No. 46, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas in that portion of Western Texas lying west of the ninety-eighth meridian and north of the thirtieth parallel; providing for the location of such college, its government, and the control of its finances; defining its leading objects and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such college in military science and for the military discipline of all students; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said college, and declaring an emergency."

Senate Bill No. 161.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 161, A bill to be entitled "An Act to prevent the control of municipal elections in cities and towns of this State located in counties having more than 130,000 population according to the last Federal census, by the use of money; and to regulate and limit the expenditure of money to influence the result of such elections, and providing penal-

ties for violations of this Act, and declaring an emergency."

Pending.

Recess.

At 12:45 o'clock p. m., on motion of Senator Gibson, the Senate recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Hobby.

Simple Resolution No. 85.

Whereas, the Hon. Martin McNulty Crane, a former State Senator of Texas, and also a former Lieutenant Governor of this State, is now in the Capitol building; therefore be it Resolved, That he be extended the privilege of the chamber and be requested to address the Senate.

McNEALUS,
LATTIMORE.

The resolution was read and adopted, and the Hon. M. M. Crane addressed the Senate briefly.

Messages from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 354, A bill to be entitled "An Act to reorganize the Thirty-eighth, the Fifty-first, the Sixty-third and the Seventieth Judicial Districts of the State of Texas, and to create the Eighty-second Judicial District of the State of Texas, and to prescribe the time and fix the terms of holding the courts in each of the said judicial districts, and to conform all writs and process from such courts to such changes, and to provide for the appointment and election of a district judge and district attorney in said Eighty-second Judicial District, and to make all process issued or served

before this Act takes effect, including recognizances and bonds returnable to the terms of the courts in the several districts as herein fixed; to validate such process and to validate the summoning of grand and petit jurors and juries, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. C. R. No. 15, relating to the replacing the chandeliers in the House and Senate.—The following have been appointed on part of House: Messrs. Yantis, Dodd and McMillan.

H. B. No. 598, A bill be entitled "An Act to establishe a branch of the Agricultural and Mechanical College of Texas at Stephenville, in Erath County, Texas, to be known as John Tarleton Agricultural College; providing for the government and control of said institution, providing for the acceptance of donations of lands, buildings and money offered by the citizens of Stpehenville and Erath County; providing for a students' loan fund, and defining the leading objects and prescribing generally the nature and scope of instruction to be given in said college, and conferring upon the board of directors of said college the right of eminent domain, and declaring an emergency."

H. B. No. 364, A bill to be entitled "An Act to require the publication in some newspaper of general circulation of all notices now required by law or contract to be given of any act or proceeding, whether public or private, or relating to a judicial, executive or legislative matter, which notice is now authorized by law or contract to be made by posting notice in one or more public places; fixing a time of such publication, and the compensation; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 85, A bill to be entitled "An Act to amend Section 16 of Article 30 of Title 5 of the Revised Statutes of Texas of 1911, so as to declare what counties compose the Sixtieth Judicial District of Texas; to fix the time for holding court in the various counties of said district; to make the process issued or served before this Act takes effect, including recognizances and bail

bonds, returnable to the terms of court as herein fixed; to repeal all laws in conflict herewith, and declaring an emergency, and fixing a time for this Act to take effect."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Henderson, had referred, after their captions had been read, the following House bills:

H. B. No. 598, referred to the Committee on Educational Affairs.

H. B. No. 354, referred to the Committee on Judicial Districts.

H. B. No. 364, referred to the Committee on Public Printing.

Senate Bill No. 161.

(Pending.)

Action recurred upon the engrossment of S. B. No. 161, and the same was passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 161 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Sulter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Caldwell.	McCollum.
Harley.	Robbins.

Absent—Excused.

Decherd.

The bill was laid before the Sen-

ate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Clark.	McNealus.
Dayton.	Parr.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Present—Not Voting.

Harley.

Absent.

Caldwell.	Page.
McCollum.	Robbins.

Absent—Excused.

Decherd.

Senator McNealus moved to reconsider the vote by which S. B. No. 161 was passed and table the motion to reconsider.

The motion to table prevailed.

(President Pro Tem. Henderson in the chair.)

Bills and Resolutions.

(By unanimous consent.)

By Senator Buchanan of Bell:

S. C. R. No. 15, A Concurrent Resolution providing for the appointment of a committee to draft a bill embodying a complete revision of the statutes of this State relating to ad valorem taxation, together with such amendments, changes and additions as will provide an efficient law upon the subject, and providing a more efficient system for collection of delinquent taxes, providing a method to prevent double renditions of property and a more efficient system of bookkeeping for tax collectors, assessors and Comptroller; providing for the employment of an assistant and stenographer; authorizing the payment of salaries from the contin-

gent expense fund of the House and Senate.

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Gibson:

S. B. No. 380, A bill to be entitled "An Act to amend Article 936, of Chapter 1, Title 14, of the Revised Civil Statutes of the State of Texas, 1911; making forgery, where the amount or value mentioned in the instrument is of less value than twenty dollars, a misdemeanor; providing where the amount or value mentioned in the instrument is greater than twenty dollars the same shall be a felony, and providing a penalty therefor."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Decherd:

S. B. No. 381, A bill to be entitled "An Act to amend Article 735, Chapter 4, Title 12, of the Revised Criminal Statutes of 1911 of the State of Texas, relating to standards of feed-stuffs, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Harley:

S. B. No. 382, A bill to be entitled "An Act to amend Article 4808a, of Chapter 5, Title 71, of the Revised Civil Statutes of the State of Texas as the same was enacted under Section 2 of Chapter 149 of the Acts of the regular session of the Thirty-fourth Legislature of the State of Texas, pertaining to the payment of a funeral benefit by Mutual Assessment Accident Insurance Companies, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

Senate Bill No. 65.

(Pending special order.)

The Chair laid before the Senate as pending business under a special order and on second reading:

S. B. No. 65, A bill to be entitled "An Act to prohibit the owning, or operating, or the being interested in the owning, or the operating of any pool hall, or billiard hall, or any pool

table or billiard table, for profit within the State of Texas."

Action recurred upon the pending amendment by Senator Page, which is as follows:

Amend S. B. 65, on page 1, by adding after the word "table," in line 13, the following: "In any town of less population than 5,000 inhabitants."

Senator Dean moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—18.

Alderdice.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Clark.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Sulter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Nays—8.

Bailey.	Hall.
Bee.	Johnston of Harris.
Caldwell.	King.
Gibson.	Page.

Present—Not Voting.

Harley.

Absent.

Hudspeth.	Robbins.
McCollum.	

Absent—Excused.

Decherd.

Senator Dean offered the following amendment, which was read and adopted:

Amend the caption of the bill by striking out the caption and inserting in lieu thereof the following:

"An Act to prohibit the owning or operating, or the being interested in the owning or operating of any pool hall or billiard hall, pool table or billiard table, for profit within the State of Texas, defining the term pool hall as used in the Act; declaring that the threatened, actual or contemplated use of any premises, place, room, building or part thereof, or tent or any kind of enclosure, for the purpose of a pool hall as defined in the Act shall be enjoined at the suit of the State or any citizen thereof; stating who may be made party

defendant in such injunction suit; conferring certain power and authority upon and fixing certain duties for the Attorney General and the County and District Attorneys of the State with reference to such suits; providing that any citizen may institute and maintain such suits; fixing the procedure in such suits; creating and defining offenses in violation of the Act and providing punishment therefor, and declaring an emergency."

Senator Bee offered the following amendment:

Amend the bill by striking out the words from the word "or" in line 3, page 2, Section 1, down to and including the word "devices," and adding after the word "pool" in line 7, page 2, Section 1, the words "pool or pocket billiards."

Senator Dean moved to table the amendment, which motion prevailed by the following vote:

Yeas—16.

Alderdice.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Clark.	Lattimore.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.

Nays—10.

Bailey.	Johnston of Harris.
Bee.	King.
Caldwell.	McCollum.
Hall.	McNealus.
Harley.	Page.

Absent.

Hudspeth.	Robbins.
Parr.	Woodward.

Absent—Excused.

Decherd.

The bill was read second time and passed to engrossment by the following vote:

Yeas—19.

Alderdice.	Gibson.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Hopkins.
Clark.	Johnson of Hall.
Dayton.	Lattimore.
Dean.	Page.
Floyd.	Robbins.

Smith.
Strickland.
Sulter.

Westbrook.
Woodward.

Nays—8.

Bailey. Johnston of Harris.
Caldwell. King.
Hall. McCollum.
Harley. McNealus.

Absent.

Parr.

Absent—Excused.

Decherd.

Pair Recorded.

Senator Bee (present), who would vote "No"; Senator Hudspeth (absent), who would vote "Aye."

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 65 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	Page.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.
Harley.	Woodward.

Nays—2.

Johnston of Harris. McNealus.

Absent.

Hudspeth. Parr.

Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—20.

Alderdice.	Dayton.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Floyd.
Clark.	Gibson.

Henderson.	Robbins.
Hopkins.	Smith.
Johnson of Hall.	Strickland.
Lattimore.	Sulter.
McCollum.	Westbrook.
Page.	Woodward.

Nays—7.

Bailey.	Johnston of Harris.
Caldwell.	King.
Hall.	McNealus.
Harley.	

Absent.

Parr.

Absent—Excused.

Decherd.

Pair Recorded.

Senator Bee (present), who would vote "No"; Senator Hudspeth (absent), who would vote "Aye."

Reasons for Vote.

I would have voted "No" on Senate Bill No. 65 because I believe billiard tables ought to have been excluded from the operation of the law. I consider the pool hall a most pernicious evil and would gladly vote it out, but many establishments have as an adjunct billiard tables, from which a revenue sufficient to pay the expenses is realized. For example, hotels and legitimate clubs contain them and they ought not to be driven from that character of an establishment. If my amendment had been adopted excluding them I would have voted for the bill aimed at pool halls.

BEE.

Senator Dean moved to reconsider the vote by which S. B. No. 65 was passed and table the motion to reconsider.

The motion to table prevailed.

House Concurrent Resolution No. 15.

Senator Lattimore called up H. C. R. No. 15, relating to the replacing the chandeliers in the House and Senate, and requesting the appointment of a committee to investigate the same.

On motion of Senator Lattimore, the Senate concurred in the resolution, and the Chair appointed as a

committee on the part of the Senate Senators Bailey and Lattimore.

Senate Bill No. 231.

(Pending special order.)

The Chair laid before the Senate S. B. No. 231, which was read second time this morning.

The committee report carrying with it the following amendments, was adopted:

(1) Amend the bill by adding just before the enacting clause the following:

Whereas, The citizens of said town of Commerce own a plot of ground consisting of about five acres on which there is a three-story brick dormitory, also owned by the citizens of the said town of Commerce, which they propose to donate to the State for the use by the normal college hereinafter referred to, and said five acres above referred to being a part of the land herein referred to as the campus of said institution, and,

Whereas, Said town of Commerce is also willing to make a valid contract to furnish such water as may be needed in the operation of said normal school, and,

Whereas, Said citizens of Commerce have proposed to the Legislature a donation of said property herein above described; provided, that the State will pay therefor the sum of eighty thousand dollars to the founder of said school, and who is now owner thereof, except the said five acres of land and the brick dormitory thereon, now therefore:

Be it enacted by the Legislature of the State of Texas:

(2) Amend bill, Section 1, by making it read as follows:

Section 1. That the State Normal School Board of Regents is hereby authorized and empowered to purchase the aforesaid property of said East Texas Normal College in so far as the appropriation herein made provides for a purchase, in the event said board shall find the facts stated herein substantially true, and that said property, including said five acres of land and brick dormitory thereon, is reasonably worth the said sum of one hundred and seventy-five thousand dollars; but if in the opinion of said board said property is not

reasonably worth said sum of one hundred and seventy-five thousand dollars then they are authorized in their discretion to purchase said property by paying therefor such pro rata part of eighty thousand dollars as the value of said property, as they may determine it, shall bear to said sum of one hundred and seventy-five thousand dollars, provided, that said citizens of Commerce shall donate to the State of Texas, for and as part of said normal school said five acres of ground and the City of Commerce shall enter into a valid contract to furnish free of charge to the State for said normal school all water used by said institution. In the event said purchase of said property, said board shall cause the title thereto to be examined by the Attorney General, and if approved, then shall take the deeds covering all of said land and bill of sale covering said library and other personal property belonging to said East Texas Normal College, in which deeds and bills of sale, said property shall be conveyed to the Governor of the State of Texas and his successors in office for the use and benefit of the State of Texas, and said school.

(3) Amend bill, Section 5, by making it read as follows:

Section 5. The sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury, not already appropriated, for the purpose of carrying into effect the provisions hereof in the purchase of the property aforesaid.

(4) Amend bill, page 3, line 4, by adding to the end of the paragraph, after the figures "\$175,000, and," the following:

"The citizens of Commerce, Texas, further obligate themselves to purchase and present to the State ten (10) acres of land either joining said campus of said East Texas Normal College, or of such proximity to the said campus as to be of use to the said institution as a part of the campus, making forty acres as the total amount of land in said campus, and,"

(5) Amend the bill, page 4, Section 4, lines 12 and 13, by striking out the words "upon the nominal rental of the property," and inserting in lieu thereof the following "Under the direction of the State Normal Board of Regents; and the citizens of Com-

merce obligate themselves to pay for the maintenance of said institution under its present management."

Senator Floyd offered the following amendment:

Amend Senate Bill No. 231 by striking out all after the enacting clause and substitute in lieu thereof the following:

Section 1. That a State Normal School for the education of white teachers is hereby created to be located in Texas in the territory east of the 96th meridian, and the name of said Normal School shall be the Stephen F. Austin State Normal College.

Sec. 2. Said Normal School shall be established and ready for the reception of students on October 1, 1918.

Sec. 3. There is hereby appointed as a committee to locate said Normal College the Governor, the State Superintendent of Public Instruction and the Attorney General. A majority of said committee shall constitute a quorum for the transaction of business and no member of said committee who has material or pecuniary interests of any kind in any town or place offering for the location of said college shall be qualified or authorized to act on said committee.

Sec. 4. In considering the claims of any places that may apply for the location of said college said committee shall take into consideration the healthfulness, accessibility, general physical conditions and environments, together with the general moral tone, educational sentiment and social qualities of the people of said places.

Sec. 5. After the passage of this Act any city or town within the section of the State named in Section 1 of this Act desiring the location of said college may file its application with the chairman of said committee, said application to contain a full and complete description of the land it has to offer, requesting the committee to view the site said city or town has to offer; and it shall be the duty of said committee to visit all cities or towns making such request and to view the sites they have to offer, and as soon as practicable after said committee shall have viewed all sites offered it shall meet and select a location for such Normal College; providing that said locating committee

shall locate said Normal College not later than October 1, 1917; and for the purpose of paying traveling expenses and other necessary expenses of said committee there is hereby appropriated out of the funds of the State treasury not otherwise appropriated the sum of one thousand dollars.

Sec. 6. It shall be the duty of the Attorney General of the State of Texas to examine and approve all abstracts of title to be furnished by the owner to any real estate that may be donated either for the site for the buildings of said college or for any other purpose; and the abstracts of the title of the real estate of the building sites of such college which may be selected by such committee shall be so examined by the Attorney General and approved by him before any location is finally made; provided, however, that nothing herein shall prevent said committee from selecting a location and announcing same, conditioned upon the approval of the title by the Attorney General. After examination and approval of the title to the lands donated for said Normal College the Attorney General shall cause to be prepared and duly executed proper deeds of conveyance to said lands selected, which deeds shall be held in escrow by the State Treasurer, conditioned upon the erection and opening of said college.

Sec. 7. Said committee, as soon as a location is made, shall make and file with the Governor a full report of all actions in carrying out the provisions of this Act in regard to location, including an itemized statement of all moneys expended and also an itemized descriptive list of all donation of land made and accepted for said Normal College.

Sec. 8. As soon as funds are made available under proper appropriations the State Normal School Board of Regents shall proceed to secure plans and specifications for a building or buildings and equipment of said Normal College and to let the contract for such building or buildings or equipment to the lowest responsible bidder.

Sec. 9. The control and regulation of said State Normal College is hereby vested in the State Normal School Board of Regents under the laws now in force governing said

board, or which may hereafter be enacted, and such Board of Regents shall meet as soon as practicable after the first of January next preceding the date of opening in October, and make rules and regulations for the organization and maintenance of said college; and as soon as practicable after the selection of the location of said college, in no event to be later than May 1 preceding the date of opening to elect such officers and teachers and instructors and employes as may be necessary for properly carrying out the work of said college.

Sec. 10. The importance of this measure to the people of this State, the crowded condition of the calendar of the Legislature and the near approach of the close of the present session of the Legislature create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each house on three several days be suspended, and the same is hereby suspended, and that this bill be put upon its third reading and final passage, and it is so enacted.

Senator Westbrook moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—16.

Buchanan of Scurry.	Johnson of Hall.
Clark.	McCollum.
Dayton.	Parr.
Dean.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	Woodward.

Nays—6.

Bailey.	Floyd.
Buchanan of Bell.	King.
Caldwell.	Page.

Present—Not Voting.

Hopkins.	McNealus.
Johnston of Harris.	Sulter.

Absent—Excused.

Decherd.

Pairs Recorded.

Senator Alderdice (present), who would vote "no;" Senator Hudspeth (absent), who would vote "aye."

Senator Bee (present), who would

vote "no;" Senator Lattimore (absent), who would vote "aye."

The bill was read second time and passed to engrossment.

Senator Westbrook moved to reconsider the vote by which Senate Bill No. 231 was passed to engrossment and table the motion to reconsider.

The motion to table prevailed.

Refusal to Adjourn.

Senator Bailey at 5:40 o'clock p. m. moved to adjourn until 10 o'clock Monday morning.

The motion was lost.

House Bill No. 598.

(By unanimous consent.)

On the motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 598 put on its second reading by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Nays—1.

Robbins.

Present—Not Voting.

Floyd.

Absent.

Bailey.	Lattimore.
Hudspeth.	McCollum.
Johnston of Harris.	

Absent—Excused.

Decherd.

The Chair laid before the Senate, on second reading:

H. B. No. 598, A bill to be en-

titled "An Act to establish a branch of the Agricultural and Mechanical College of Texas at Stephenville, in Erath County, Texas, to be known as the John Tarleton Agricultural College; providing for the government and control of said institution, providing for the acceptance of donations of lands, buildings and money offered by the citizens of Stephenville and Erath County; providing for a students' loan fund, and defining the leading objects and prescribing generally the nature and scope of instruction to be given in said college, and conferring upon the board of directors of said college the right of eminent domain, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 598 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Nays—1.

Suiter.

Absent.

Bailey.	Lattimore.
Hudspeth.	McCollum.

Absent—Excused.

Decherd.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Nays—2.

Alderdice.	Johnson of Hall.
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Present—Not Voting.

Robbins.	Suiter.
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Absent.

Bailey.	Lattimore.
Hudspeth.	McCollum.
King.	

Absent—Excused.

Decherd.

Senator Bee moved to reconsider the vote by which House Bill No. 598 was passed and table the motion to reconsider.

The motion to table prevailed.

Adjournment.

At 5:50 o'clock p. m. Senator Clark moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost.

Senator Strickland moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed.

APPENDIX A.

Petitions and Memorials.

Senator Floyd sent up and had read a resolution by a committee of Sulphur Springs citizens endorsing Senate Bill No. 244, a bill providing for the establishment of a State normal college east of the ninety-sixth meridian.

Petitions to Senators Westbrook and Buchanan of Scurry asking that the occupation tax on wagon medicine men be reduced.

Senator Gibson offered a numerous signed petition protesting against Senate Bill No. 80, relating to the Sunday closing law.

Senator Dayton offered a petition from Denison, Texas, asking for the passage of the county library bill.

A petition from Taylor County against the selecting judges by convention was sent up by Senator Buchanan of Scurry.

Senator Alderdice sent up a petition from Bardwell protesting against the Dean telephone bill.

Senator McNealus offered a numerous signed telegram from Dallas asking for immediate passage of Senate Bill No. 155, known as the False Statement Law.

Austin, Texas, Feb. 16, 1917.

Hon. Senator I. E. Clark, Capitol Station.

Dear Senator: I have had several communications from the ladies of the Senate to have Senator R. M. Johnston of Harris to chaperone the ladies home after the performance of "Peg o' My Heart" Saturday night. Will you see to this and see that Senator Johnston attends to his duty? If I can in any way be of assistance to him I will gladly do all in my power.

Yours,

GEO. H. WALKER.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed bills has had Senate Bill No. 305 carefully compared and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed bills has had Senate Bill No. 216 carefully compared and finds the same correctly engrossed.

ALDERDICE Chairman.

Committee Reports.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 311, A bill to be entitled "An Act authorizing the county commissioners court of Grayson County, Texas, to appropriate money for the purpose of using additional farm demonstrating agents and for a canning club demonstration agent"

Have had the same under consideration and we now beg leave to report the bill back to the Senate with the recommendation that it do pass, and be not printed.

Woodward, chairman; Gibson, Alderdice, Buchanan of Scurry, Suiter, Floyd, Dayton, Buchanan of Bell.

(Majority report.)

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 319, A bill to be entitled "An Act to repeal Chapter 7 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, the same being entitled 'An Act to provide for the suspension of sentence in certain cases of conviction of felony for first offenses, upon the recommendation of the jury, and for submission of the issue to the jury by the court, and to provide the duration of the suspension of sentence and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony, cumulating punishment in such cases, and for granting a new trial after suspension and dismissal of the case in certain events after suspension, and to repeal all laws and parts of laws in conflict herewith, and providing for an emergency'; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

the bill back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 319, have had the same under consideration and beg leave to report the bill back to the Senate with the recommendation that it do not pass.

SUITER.

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 338, A bill to be entitled "An Act to amend Section 696 of the Penal Code of Texas,"

Have had same under consideration, and beg leave to report the bill back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 302, A bill to be entitled "An Act to amend Article 886, Title 13, offenses against public property, Chapter 6, Penal Code of 1911 of the State of Texas, relative to the protection of certain game, so as to prohibit the killing thereof for the next twenty-five years; repealing all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on

Criminal Jurisprudence, to whom was referred

S. B. No. 320, A bill to be entitled "An Act to amend Article 421 of the Penal Code of the State of Texas, to further define 'barratry' so as to include the fomenting of litigation for profit and by persons in addition to attorneys at law by soliciting employment or advancing money or other things of value to the parties to litigations in order to procure employment, and declaring an emergency,"

Have had same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 353, A bill to be entitled "An Act to amend Title 15, Chapter 1, of the Penal Code of the State of Texas, adopted in 1911, by adding thereto Article 1019a, defining the offense of negligent assault and battery, fixing a penalty therefor, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 280, A bill to be entitled "An Act to amend Article 1063 of the Revised Penal Code of Texas, 1911, etc.,"

Have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Com-

mittee on Criminal Jurisprudence, to whom was referred

H. B. No. 202, A bill to be entitled "An Act to amend Article 303, Title 7, Chapter 2, of the Revised Criminal Statutes of 1911 of Texas, specifically defining the articles or service that may be sold or rendered on Sunday as exceptions from the operations of the preceding articles of said chapter,"

Have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do not pass.

PAGE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 202, have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend House Bill No. 202 by adding at the end of Article 303 the following: "Nor to theaters in cities of over five thousand inhabitants, but such cities shall have the power to regulate and prohibit theaters."

CALDWELL.
HALL.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 127, A bill to be entitled "An Act to render unlawful the issue of road warrants or other evidence of indebtedness, except bonds as provided in Article 605 of the Revised Civil Statutes of Texas for the purpose of laying out, constructing, maintaining or repairing any road or bridge, unless the same be payable during the concurrent year for which it is issued, and not in excess of the amount that can be paid out of the current funds of the county for such year,"

Have had the same under consideration and I am instructed to report the

bill back to the Senate with the recommendation that it do not pass.

PAGE, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 127,

Have had the same under consideration and beg leave to report the bill back to the Senate with the recommendation that it do pass.

SUITER.

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 231, A bill to be entitled "An Act to amend Article 900, Title 10, of the Code of Criminal Procedure of the State of Texas of 1911 so as to make bail bonds good in all criminal cases until verdict or judgment and until the defendant is taken into custody of by the sheriff, and declaring an emergency."

Have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend the bill by adding after the word "discharged" the following:

Provided, that where the defendant is convicted in a misdemeanor case and is on bail when the trial commences, the same shall not thereby be considered discharged until the defendant's motion for a new trial shall have been overruled by the court.

PAGE, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 593, A bill to be entitled "An Act to establish a branch of the

Agricultural and Mechanical College of Texas, and to be known as the John Tarleton Agricultural College, and declaring an emergency,"

Have had the same under consideration and we now beg leave to report the bill back to the Senate with the recommendation that it do pass, and be not printed.

Bee, Chairman; Bailey, Lattimore, Gibson, Alderdice, Buchanan of Scurry, Page, Harley, Smith.

Committee Room,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred

S. B. No. 379, A bill to be entitled "An Act to amend Section 1 of House Bill No. 34, passed by the Thirty-fifth Legislature, and approved February 13, 1917,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and not be printed.

Lattimore, Chairman; Gibson, Johnson, Strickland, Floyd, Henderson, McNealus.

Committee Room,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred

S. B. No. 342, A bill to be entitled "An Act requiring the Commissioner of Insurance to license agents of insurance companies, what the license shall state and how obtained, and providing for revocation of such license, termination thereof, for renewal of same and providing a penalty for violation of this Act, and declaring an emergency,"

Have had the same under consideration and we are instructed to report the same back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in lieu thereof and be not printed in the Journal.

GIBSON, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 68, A bill to be entitled "An Act to require the Governor of Texas to appoint an inspector of hides and animals in Nueces County, Texas, and to place said county under the provisions of Articles 7256 to 7304, both inclusive, Revised Civil Statutes of 1911, and providing for fees for inspector appointed by the Governor, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and that it be not printed.

Clark, Chairman; Parr, Johnson, Hall, Dean.

Committee Room,

Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 554, A bill to be entitled "An Act creating the Chappell Hill Independent School District in Madison County, Texas, defining the metes and bounds; providing for a board of trustees thereof; vesting it with the rights and duties of districts incorporated for school purposes only, under the general laws, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 326, A bill to be entitled "An Act to aid the County of Chambers in rebuilding roads and bridges within said county, which were destroyed by a flood and storm in said county on August 16, 1915, by donating and granting to it, the said

County of Chambers, the State ad valorem taxes, and a part of the occupation and poll taxes collected on property and from persons in Chambers County for a period of ten years, and to provide a penalty for their misapplication."

Have had the same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass, with the following committee amendments:

Amendment No. 1. Amend Senate Bill 326 by striking out paragraphs 2 and 3 of Section 1 of the bill.

Amendment No. 2. Amend Senate Bill 326 by striking out of the caption the words, "and a part of the occupation and poll taxes."

CALDWELL, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 512, A bill to be entitled "An Act to create the office of county road supervisor for Mills County, and prescribing the method for his appointment, duties and salary, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and that it be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Floyd, Strickland, Smith.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 576, A bill to be entitled "An Act to amend Sections 24 and 25 of an Act of the Legislature of Texas approved March 24, 1911, and entitled 'An Act creating a more efficient road system for Anderson County, Texas; prescribing and defining the powers and duties of the county commissioners court with ref-

erence to public roads; making county commissioners ex officio road commissioners of their respective precincts and prescribing and defining their duties as such; providing for an annual road tax and the payment of same will exempt from road work, designating who are liable to work on public roads, and how summoned, exempted, etc.; providing that this Act be cumulative of all laws on the subject of roads and bridges except when in conflict, and that it be taken notice of by the courts as all general laws; prescribing penalties for its violation; repealing all laws in conflict; and providing that this Act go into effect on November 1, 1911, so as to change the compensation for services rendered by each county commissioner and each deputy, and so as to change the road tax,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Smith, Clark, Floyd.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 376, A bill to be entitled "An Act to amend Sections 7, 9 and 38; and add a new section thereto to be known as Section 42a, and extending the provisions of said Act to the Counties of McMullen and Atascosa, of Chapter 49, of the General Laws of the State of Texas for the year 1901, entitled 'An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas, and making the county commissioners of said counties ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for working of county convicts upon the public roads of said counties, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a

county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public road of the county; providing for special road and bridge tax to be levied for Fayette, Uvalde and Frio counties; and providing, further, making this law cumulative of the General Laws, and in case of a conflict this Act to govern as to Fayette, Uvalde and Frio Counties, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-second Legislature, as to Fayette and Frio Counties, so that said sections shall hereafter read as hereinafter set forth,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Caldwell, Chairman; Floyd, Strickland, Smith, Clark, Buchanan of Scurry.

Committee Room,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 487, A bill to be entitled "An Act to create a more efficient road system for Gillespie County, Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

CALDWELL, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

H. B. No. 563, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county Court of Real County; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Buchanan of Scurry, Chairman; Hall, Johnston of Harris, Parr, McCollum, Dean, Suiter.

Committee Room,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Education Affairs, to whom was referred

S. B. No. 377, A bill to be entitled "An Act to amend Section 1 of Chapter 58 of the Special Laws of the regular session of the Thirtieth Legislature of the State of Texas, creating the Huntsville Independent School District in Walker County, Texas, and defining its boundaries, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 596, A bill to be entitled "An Act creating the Maydell Independent School District in Cherokee County, Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed by the committee to report same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 469, A bill to be entitled "An Act to establish Common School District No. 4 in San Patricio County, Texas, extending its boundaries so as to include certain lands heretofore in Common School District No. 1 of San Patricio County, as may hereafter be included in Common School District No. 4, shall continue to be subject to taxation for the payment of principal and interest of any common school district schoolhouse bonds that may have heretofore been issued by Common School District No. 1, and remaining unpaid, conferring upon the board of county trustees the power to subdivide said district, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, but be not printed.

Bee, Chairman; Harley, Lattimore, Johnson, Alderdice, Buchanan of Scurry, Floyd, Dayton.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 440, A bill to be entitled "An Act to amend Section 1 of Chapter 11 of the Special Laws of Texas, passed by the First Called Session of the Thirty-fourth Legislature, approved June 4, 1915, being an 'Act incorporating and creating the Fulbright Independent School District in Red River County, Texas, for free school purposes only, defining its boundaries, and providing for the election of a board of trustees, for the raising of revenue by taxation, issuing of bonds for raising money for building purposes, and maintaining public free schools therein, vesting the property within this said Fulbright Independent School Dis-

trict, and vesting said district and board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon independent school districts, and the board of trustees thereof, formed by the incorporation of towns and villages for free school purposes only under the general law, declaring valid a maintenance tax heretofore voted,' and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Page, Dayton, Gibson, Dean, Alderdice, Smith, Harley, Johnson, Floyd.

Committee Room,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 574, A bill to be entitled "An Act to amend Section 2 of an Act creating the Jourdanton Independent School District in Atascosa County, Texas, being Chapter 79 of the Thirty-second Legislature of Texas, increasing the territory of said district; to amend Section 8 of said Act, providing for the appointment of an assessor and collector for said district; to amend Section 23 of said Act, providing for the appointment of a board of equalization and prescribing its powers and duties; to amend Section 24 of said Act, regulating the time of payment of taxes, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 509, A bill to be entitled "An Act creating the Blanket Inde-

pendent School District in Brown and Comanche Counties, Texas, defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor; providing that the present maintenance tax and bond tax of the Blanket Independent School District shall apply in the new district, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Alderdice, Harley, Floyd, Smith, Page, Gibson, Bailey.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 373, A bill to be entitled "An Act incorporating and creating the Knippa Independent School District of Uvalde County, Texas, for free school purposes only, etc., and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Lattimore, Harley, Gibson, Bailey, Floyd, Alderdice, Smith, Page, Dean, Buchanan of Scurry, Johnson.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 602, A bill to be entitled "An Act to create the Buna Independent School District, known as Common School District No. 13, in Jasper County, Texas, defining its boundaries, providing for the levying and collecting of taxes, the appointment of a board of trustees, etc., repealing all laws in conflict therewith and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Floyd, Smith, Page, Bailey, Alderdice, Buchanan of Scurry, Gibson, Lattimore, Harley.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 153 and find it correctly enrolled, and have this day at 4:03 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 165, and find it correctly enrolled, and have this day at 10:18 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hall.

S. B. No. 165.

An Act to amend Chapter 8, Acts of the Regular Session of the Twenty-eighth Legislature, the same being entitled 'An Act to aid the City of Galveston in elevating and raising said city so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of fifteen years, and to provide a penalty for their misapplication,' by extending the provisions of said Act for a period of ten years from September 1, 1918.

Whereas, The City of Galveston was, on the eighth day of September, A. D. 1900, devastated by a storm and calamitous overflow, whereby thousands of lives were lost and property of the value of many millions of dollars was

destroyed, which caused and constitutes a great public calamity; and

Whereas, On the 15th day of August, A. D. 1915, the said City of Galveston was again devastated by a severe storm and calamitous overflow, destroying the causeway connecting said city with the mainland, and destroying millions of dollars' worth of property, which caused and constitutes a great public calamity; and,

Whereas, the agricultural, commercial, manufacturing, mining and stock raising interests of the State of Texas, and of the States and Territories, a large portion of the commerce of which seeks the high seas through the Port of Galveston, require the speedy protection of said city and port, and with a view of the State of Texas aiding in protecting said city and port, and the inhabitants thereof from calamitous overflows; therefore

Be it enacted by the Legislature of the State of Texas:

That Chapter 8 of the General Laws passed by the Regular Session of the Twenty-eighth Legislature be amended so as to hereafter read as follows:

Section 1. That for a period of twenty-five years, commencing with the fiscal year beginning September 1, 1903, and ending September 1, 1928, there be and are hereby donated and granted by the State of Texas to the City of Galveston the net amount of money collected from the following taxes:

1. All of the State ad valorem taxes collected upon property and from persons in the County of Galveston, including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law.

2. Three-fourths of all moneys collected from State occupation taxes received from persons, firms, companies or associations of persons doing business in the County of Galveston.

3. All State poll taxes collected from persons in the County of Galveston, except that belonging to the public school fund.

Sec. 2. At the end of each month the collector of taxes for Galveston County shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report, under oath, to said Comptroller, showing each and every item of State ad valorem, occupation and poll taxes collected by him, as provided for in this Act, upon

property and from persons within the County of Galveston, and accompany the same with a summarized statement showing full disposition of all such State taxes collected; said collector shall present such report, together with the tax receipt stubs, authorized by law to be kept, to the County Clerk of Galveston County, who shall, within two days, compare said report with the said stubs, and if the same agree in every particular, as regards names, dates and amounts, he (the clerk) shall certify to its correctness, for which examination and certificate he shall be paid by the commissioners court twenty-five cents for each certificate, and twenty-five cents for each two hundred taxpayers on said report. The said collector shall then immediately forward his reports so certified to the Comptroller, and shall pay over to the city treasurer of the City of Galveston all moneys collected by him during said month, under the provisions of this Act, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipt given to him by the treasurer of the City of Galveston for such moneys to the Comptroller.

Sec. 3. The treasurer of the corporation of the City of Galveston shall, at the end of each month, make an itemized report, under oath, to the Comptroller of Public Accounts, showing the amount of money received by him from the collector of taxes for Galveston County, and what disbursements, if any, have been made during said month of such moneys.

Sec. 4. The municipal authorities of the City of Galveston shall, on the first day of January of each year, cause to (be) made an itemized statement, under oath, and in triplicate, showing the amount of money received by the City of Galveston under this Act, and how, to whom, and for what purpose the same has been expended. One copy of such statement, after having been audited shall be forwarded to and filed by the county clerk of Galveston County, as hereinafter provided, and the other to the Comptroller of Public Accounts. The said statement shall be sworn to by the treasurer of said city, and the correctness thereof shall be certified by an auditor appointed by the commissioners court of said Galveston County, who shall, while auditing said

statement, have before him all vouchers upon which expenditures have been made from said fund. And no item of expenditure shall be allowed or passed by said auditor unless he have in his possession legal and proper vouchers therefor, showing compliance with this Act. And upon the completion of said audit, the said report and all vouchers shall be attached together, numbered consecutively, and be by said auditor returned to and thereafter safely kept by the county clerk of Galveston County as a part of the records of his office.

Sec. 5. The moneys herein and hereby granted and donated to the City of Galveston are declared to be a trust fund, for the purpose of aiding the City of Galveston in paying the interest and sinking fund upon an issue or issues of bonds, heretofore issued and to be issued, the proceeds of which bonds have been and are to be used exclusively for the elevation and raising of the streets, avenues, alleys, sidewalks and lots in said city above calamitous overflows, and for securing and protecting such filling. The use or diversion of such moneys for any other purpose whatsoever is hereby prohibited; provided, that whenever the moneys in the hand of the city treasurer, received from the State under the provisions of this or any previous law, shall exceed the sum of one year's interest, and two per cent sinking fund on the bonds herein referred to that have been issued and are then outstanding, such excess shall be invested by said city in the purchase of said bonds, or bonds of the United States, the State of Texas, or the bonds of any county, city or town of the State of Texas, bearing interest at a rate of not less than four per cent per annum; and provided, further, that the entire sinking fund, when received by the city treasurer of said city shall be invested by the municipal authorities of said city, as received, in the bonds herein referred to, or bonds of the United States, the State of Texas, or the bonds of any county, city or town of the State of Texas, bearing interest at a rate of not less than four per cent per annum. A violation of the provisions of this section shall constitute a misapplication of public money, and the person or persons so offending shall be punished as provided for in Article 96 of the Penal Code of Texas.

Whereas, The County of Galveston

and City of Galveston are now constructing the causeway which connects said city with the mainland, and said city is now engaged in filling and elevating the overflow district of said City of Galveston to protect the inhabitants and property against calamitous overflows; and,

Whereas, It is essential that there be no interruption or delay in said work and that said work be completed as soon as possible; therefore

An emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 159, a copy of which is hereto attached, and find it correctly enrolled, and have this day at 11:25 o'clock a.m. presented same to the Governor for his approval.

SMITH, Chairman.

By Strickland.

S. B. No. 159.

An Act to appropriate out of the general revenue not heretofore appropriated the sum of \$25,000, or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1917, and the further sum of \$45,000, or so much thereof as may be necessary, for the fiscal year ending August 31, 1918, to defray the expenses of the Department of State Health Officer of the State of Texas in intensive rural health work and rural sanitation leading to the prevention and eradication of malaria, hook worm, typhoid fever, and other contagious or infectious diseases in the State of Texas; authorizing the State Health Officer to supplement therefrom an amount equal to an amount appropriated or set aside by any county, or city or town therein, for such purposes; also authorizing the State Health Officer to accept donations from any source to supplement such fund or

funds; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That for the purpose of enabling the State Health Officer of the State of Texas to employ such assistance as he deems necessary to assist in intensive rural health work and rural sanitation leading to the prevention and eradication of malaria, hookworm, typhoid fever, tuberculosis, and other contagious or infectious diseases in the State of Texas, there is hereby appropriated out of the money of the State treasury not otherwise appropriated the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1917, and the further sum of forty-five thousand dollars (\$45,000), or so much thereof as may be necessary, for the fiscal year ending August 31, 1918, to be expended under the direction of the State Health Officer and to be paid upon warrants drawn by the State Comptroller of Public Accounts on vouchers approved by the State Health Officer.

Sec. 2. The State Health Officer is hereby authorized to supplement with a like amount any fund appropriated or expended by any county or city or town therein, in intensive rural health work and rural sanitation as prescribed by the provisions of this Act; provided, that the county or city or town therein shall appropriate and set aside such an amount as in the discretion of the State Health Officer may be necessary to adequately perform such work; provided, further, that such sum so appropriated or set aside by any county or city or town therein, is to be supplemented by a like amount out of the fund appropriated by the provisions of this Act; and, provided, further, that the total amount thereof shall be expended for such purposes under the supervision of the State Health Officer.

Sec. 3. The State Health Officer is hereby authorized to accept any donation from any source to supplement the above fund or funds, which moneys so donated, if paid to the State Health Officer, shall be deposited with the State Treasurer and kept in a special fund to be used for

the purposes set forth in this bill, and paid out as herein directed; provided, however, that the same shall be used for the specific purpose of preventing and eradicating malaria, hook work, typhoid fever, and other contagious or infectious diseases in the State of Texas; provided, that donations made by any county in this State shall be disbursed in the county making same.

Sec. 4. The fact that there are not sufficient funds available for the State Health Officer of Texas to perform intensive rural health work and rural sanitation in the State of Texas in the prevention and eradication of malaria, hook work, typhoid fever, and other contagious diseases, creates an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills be read on three several days shall be suspended, and it is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 85 and find it correctly enrolled, and have this day at 4:40 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hopkins and Dayton. S. B. No. 85.

An Act to amend Section 16 of Article 30, of Title 5, of the Revised Statutes of Texas of 1911, so as to declare what counties compose the Sixteenth Judicial District of Texas; to fix the time for holding court in the various counties of said district; to make the process issued or served before this Act takes effect, including recognizances and bail bonds returnable to the terms of court as herein fixed; to repeal all laws in conflict herewith, and declaring an emergency, and fixing a time for this Act to take effect.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 16 of Ar-

title 30, of Title 5 of the Revised Statutes of the State of Texas of 1911, be and the same is hereby amended so as to hereafter read as follows:

Section 16. The Sixteenth Judicial District shall be composed of the counties of Denton, Montague and Cooke, and the district court shall be held therein as follows: In the County of Montague on the first Monday in January and the twenty-second Monday after the first Monday in January, and may continue in session six weeks; in the County of Denton on the sixth Monday after the first Monday in January, and on the first Monday in September, and may continue in session eight weeks; in the County of Cooke on the fourteenth Monday after the first Monday in January, and the eighth Monday after the first Monday in September and may continue in session eight weeks.

Sec. 2. That all process issued or served before this Act goes into effect, returnable to the district court in said judicial district, shall be returnable to the said court as fixed by the terms of this Act, and said process is hereby legalized and validated, and all grand and petit jurors selected and drawn under existing laws in any of the counties of said judicial district shall be considered as legally drawn and selected for the next term of the district court of the respective counties held after this Act takes effect, and all appearance bonds and recognizances taken in and for said court shall bind the parties therein obligated to appear at the next term of said court under this Act.

Sec. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The crowded condition of the dockets in said Sixteenth Judicial District, and the fact that the courts must now be held therein at inconvenient times creates an emergency and an imperative public necessity calling for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is hereby suspended, and this Act shall take effect so as to change the time for holding all terms of court in said Sixteenth Judicial District beginning on and after the beginning of the term of the dis-

trict court of Cooke County, beginning on the fourteenth Monday after the first Monday in January, 1917, but this Act shall not be construed so as to in any way interfere with the term of the district court of Denton County, beginning on the sixth Monday after the second Monday in January, 1917, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 226 and find it correctly enrolled, and have this day at 3:20 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Johnston of Harris. S. B. No. 226.

An Act to amend Section 22, Chapter 67, of the Regular Session of the Thirty-second Legislature, which was approved March 11, 1911, as originally passed and as amended by Chapter 14 of the General Laws of the Regular Session of the Thirty-fourth Legislature, relating to the pay of the assistant criminal district attorneys of said county, repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 22, Chapter 67, being an Act of the Regular Session of the Thirty-second Legislature, which was approved March 11, 1911, and amended by Chapter 14 of the General Session of the Thirty-fourth Legislature, which amendment was approved February 18, 1915, which section relates to the salaries of the assistant criminal district attorney of Harris County, be so amended so that said Section 22 hereafter shall read as follows:

Sec. 22. The criminal district attorney of Harris County shall appoint two assistant criminal district attorneys, who shall each receive a salary of eighteen hundred dollars per annum, payable monthly. He shall appoint a stenographer, who shall receive a salary of not more than twelve hundred dollars per annum, payable monthly. In addition to the assistant criminal district at-

torneys and stenographer, above provided for, the county judge of Harris County may, with the approval of the commissioners' court, appoint as many additional assistants as may be necessary to properly administer the affairs of the office of the criminal district attorney and enforce the law, upon the criminal district attorney making application under oath, addressed to the county judge of Harris County, setting out the need therefor; provided, the county judge, with the approval of the commissioners' court, may discontinue the service of any one or more of the assistant criminal district attorneys provided for in this Act, when in his judgment and of the judgment of the commissioners' court, they are not necessary; provided, that the additional assistants appointed by the county judge as herein provided for shall receive not more than \$1,800.00 per year, payable monthly. The salaries of all assistants shall be paid by Harris County; provided, that if the above salaries be insufficient and inadequate for the proper investigation of crime in Harris County and the efficient performance of the duties of said office, then the criminal district attorney may contract for and pay such additional compensation as is necessary for the proper and efficient discharge of his duties out of the excess fees collected by him which would otherwise go to the county, a detailed itemized statement, under oath, of which he shall include in his annual report to the county judge of Harris County, to be approved by the county auditor, but in no event shall the county be liable for such extra compensation. Provided further, that before said criminal district attorney shall pay such extra compensation he shall secure the written approval of a majority of the district judges of Harris County. The assistant criminal district attorneys above provided for, when so appointed, shall take the oath of office and be authorized to represent the State before said criminal district court, and in all other courts in Harris County in which the criminal district attorney of Harris County is authorized by this Act to represent the State, such authority to be exercised under the direction of the said criminal district attorney,

and which assistants shall be subject to removal at the will of the said criminal district attorney. Each of said assistant criminal district attorneys shall be authorized to file informations, examine witnesses before the grand jury and generally to perform any duty devolving upon the criminal district attorney of Harris County, and to exercise any power conferred by law upon the said criminal district attorney when by him so authorized. The criminal district attorney of Harris County shall be paid the same fees for services rendered by his assistants as he would be entitled to receive if the services should have been rendered by himself. Provided, further, that the \$2,500 in fees and the one-fourth of the excess fees heretofore provided for shall in no event exceed the total sum of \$6,000 per year as compensation to said district attorney, and any amount in excess thereof shall be turned in to the county treasurer.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that the compensation now allowed by law for assistant district attorneys and stenographers for the criminal district attorney of Harris County is wholly inadequate to secure competent employes, and the fact that competent assistants are necessary for the efficient and proper enforcement of the law in Harris County, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is hereby enacted.

Committee Room,
Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 124 and find it correctly enrolled, and have this day at 3:20 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Decherd.

S. B. No. 124.

An Act to provide an appropriation for the maintenance and support of the Agricultural and Mechanical College of Texas in conformity to the provisions of an Act passed by the Thirty-fourth Legislature "providing for the issuance of certain State bonds and authorizing the retirement of certain bonds of the State of Texas, etc.," and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby appropriated out of public funds in the State Treasury of the State of Texas, out of money not otherwise appropriated, the sum of four thousand four hundred (\$4,400.00) dollars for the maintenance and support of the Agricultural and Mechanical College for the fiscal year ending August 31, 1917, as required in an Act of the Thirty-fourth Legislature "providing for the issuance of certain State bonds and authorizing the retirement of certain bonds of the State of Texas, etc." (Chapter 154, page 262, General Laws of the State of Texas, passed by the Thirty-fourth Legislature at its regular session). That said sum being the difference between three per cent interest on the permanent endowment of the Agricultural and Mechanical College of Texas and five per cent as provided for in the Act herein referred to.

Sec. 2. The fact that this additional interest is necessary to comply with the Federal law requiring that the endowment of the Agricultural and Mechanical College shall bear interest at five per cent, whereas the Thirty-fourth Legislature appropriated only three per cent on the endowment; and the further fact that the estimates of the expenditures of the college were based upon the provision of the Act referred to above providing for an interest rate of five per cent, creates an emergency and an imperative public necessity requiring that the constitutional rule which requires that bills be read on three several days be suspended and this Act shall take effect from the time of its passage, and it is so enacted.

Committee Room;

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 299 and find it correctly enrolled, and have this day at 4:03 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth.*

S. B. No. 299.

An Act to create and establish the County of Hudspeth out of a part of El Paso County; prescribing its area and boundaries; appointing commissioners to organize said county and prescribing their duties; providing for a division of said county into commissioners and justices precincts; providing for holding county and precinct elections, for the election of county and precinct officers, and for holding an election for the purpose of locating the county seat of said county; providing for the attachment of said county to judicial, representative, senatorial, congressional and supreme judicial districts, and fixing the terms for holding district court in said county; providing for the assessment and collection of taxes, and for defraying the expenses of organizing said county and surveying, and fixing the boundaries, and providing for the payment of the pro rata share of the debt of El Paso County from which said county is taken; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a new county, to be called the County of Hudspeth, is hereby created, containing the superficial area of not less than nine hundred (900) square miles, taken from the territory of the existing County of El Paso, and described as follows, to wit:

Beginning at a point in the boundary line between the State of New Mexico and the State of Texas, where the West line of block 2, township 1, of the public school lands in El Paso, intersects said Texas-New Mexico boundary line.

Thence southerly along the west boundary line of blocks 2 and 3, township 1, public school lands in El Paso

County, Texas, and continuing along the westerly line of blocks 4 and 8, township 2, of said public school lands, and continuing southerly along the west line of blocks 9 and 10, township 3, public school lands, and continuing southerly along the west line of block 76, township 4, of said public school lands, and continuing southerly along the west line of sections 6, 7, 18 and 19, in block 76, township 5, of said public school land, to the southwest corner of said lands mentioned and section 19.

Thence at right angles, along the southerly line of said section 19 and section 20, in block 76, township 5, to the southeast corner of said section 20, in block 76, township 5.

Thence at right angles, southerly, along the westerly line of sections 28, 29, 36 and 37, in block 76, township 5, to the point where said westerly line of said section 37 intersects the westerly line of the Jesse Burdette survey 52.

Thence southwesterly along said westerly line of said Jesse Burdette survey to the Rio Grande and the point between the United States and Mexico.

Thence down the Rio Grande and along the boundary line between the United States and Mexico to the point where the said Rio Grande and the international boundary line is intersected by the northwesterly line of Jeff Davis County.

Thence in a northeasterly direction along said northwesterly line of Jeff Davis County to its intersection with the west boundary line of Culberson County.

Thence in a general northerly direction, following the west boundary line of Culberson County, to its intersection with the boundary line between the State of Texas and the State of New Mexico.

Thence westerly along the boundary line between the State of Texas and the State of New Mexico to the point of beginning.

Sec. 2. That L. R. Millican, Joe Gardner, B. Dean, T. D. Love and J. M. Walling are hereby appointed commissioners to organize said county, and before entering upon the duties herein prescribed, they shall take an oath before some officer authorized to administer oaths to faithfully and impartially discharge their duties as such commissioners.

Sec. 3. It shall be the duty of said

commissioners a majority of whom shall constitute a quorum for the transaction of all business; to lay off and divide said new county into four convenient precincts for the election of county commissioners, justices of the peace and constables, particularly defining the boundaries of such precincts; to designate convenient places in said new county where elections shall be held, and to appoint a presiding officer and judges of election for each place designated for holding such elections; to make a careful approximate estimate of the population of said county, and to certify same to the Governor of Texas. Said commissioners shall keep, or cause to be kept, a record of all their proceedings, and shall transmit to the Governor of Texas a true copy thereof, and cause the original thereof to be filed as an archive in said new county with the county clerk thereof.

Sec. 4. Within ten days after the receipt by the Governor of a copy of the aforesaid record he shall order an election in said county for all county and precinct officers allowed or permitted by law to be elected, and for the location of a place for the county seat of said county, giving at least twenty days' notice of the place and time of the election by printed handbills posted in one or more public places in each of the precincts of said new county, and by publication thereof in a newspaper, if any there be, published in said new county. Said order shall state the name of the presiding officers designated in Section 3 of this Act, for holding elections, and shall give the boundaries of the election precincts and the names of the officers to be elected. Said election shall be conducted and governed by the general laws on the subject, and the returns of said election shall be made to the commissioners hereinbefore appointed. Said commissioners shall open said returns, canvass the same, declare the result, and issue to the candidate for each of the several offices who have received the greatest number of votes a certificate of election, stating therein the office to which such candidate has been elected, the number of votes polled for him, the day on which the election was held, and shall sign the same, and shall approve the official bond of the officers elected. Any one of said commissioners is hereby empowered to administer the oath of

office to the officers elected under this Act, and said officers so elected shall hold office until the next general election for county officers, and until their successors are elected and duly qualified.

Sec. 5. Until said officers are elected and qualified all of the territory in said County of Hudspeth shall belong, for all purposes, to the County of El Paso, from which it is taken. When said new county has been fully organized, as herein provided for the same is hereby made a part of the Thirty-fourth Judicial District of the State of Texas, and said Thirty-fourth District Court shall hold two sessions annually in said new County of Hudspeth, said Thirty-fourth District Court to convene at the county seat of said county on the third Mondays in April and October in each year, and said court may continue in session for two weeks at each term. Said County of Hudspeth is hereby attached to the Twenty-fifth Senatorial District, and to the One Hundred and Nineteenth Representative District, and the Sixteenth Congressional District, and to the Eighth Supreme Judicial District of the State of Texas.

Sec. 6. The said County of Hudspeth shall defray all expenses incurred in perfecting its organization, and shall also pay its pro rata of the liabilities existing at the time of the passage of this Act of El Paso County, Texas, from which its territory is taken, in the manner, proportion and extent fixed and provided for by the Constitution of the State of Texas, and by the General Laws of the State of Texas, in force at the time of the passage of this Act.

Sec. 7. The Tax Assessor and Collector of the County of El Paso, out of which the County of Hudspeth is hereby created, shall assess and collect the State, county and district taxes, if any there be, of all property subject to taxation in said El Paso County for the year 1916 and previous years, in the same manner as if no new county had been created by this Act, and said assessor and collector, until said taxes for the year 1916, and previous years, are assessed and collected, shall be governed by the laws of the State of Texas as to tax assessors and tax collectors generally for the assessment and collection of State and county taxes for said years, and until said taxes for the year 1916 and previous years are assessed and

collected and paid over by said tax collector, as hereinafter provided, his power and duty under the law as otherwise prescribed as to the collection of said taxes, shall not in any wise be affected by the provisions of this Act; provided, that said tax collector of the County of El Paso, out of which the County of Hudspeth is hereby formed shall at the end of each calendar month, from and after the organization of this county, make out and sign and swear to triplicate reports of all taxes collected upon the property in El Paso County for the year 1916, as it existed prior to the creation of Hudspeth County herein, and file one of said reports with the Treasurer of El Paso County, one with the commissioners court of El Paso County and forward the other, with all moneys received by him during the previous month, as taxes upon persons and property within the limits of Hudspeth County, as herein by this Act created, less his commission, to the tax collector of the County of Hudspeth, and he shall continue to do so until all of said taxes are collected and remitted; said tax collector of El Paso County shall report and remit on the first day of each month to the tax collector of the County of Hudspeth all moneys received by him during the previous month as taxes upon persons and property within the limits of Hudspeth County as herein by this Act created for the years previous to the year 1916, in the same manner, in all respects, as herein provided for taxes for the year 1916. And the tax collector of the County of Hudspeth shall receive all said taxes and receipt in writing to said tax collector of El Paso County therefor and remit same to the proper authorities as required by law, and all taxes, State, county and district, so collected and received by the tax collector of Hudspeth County, shall be subject to all of the laws of the State of Texas as to the use to be made thereof.

Sec. 8. That all laws and parts of laws of the State of Texas with respect to the organization and creation of new counties in so far as the same are in conflict with this Act shall have no application in the creation, establishment and organization of county herein provided for.

Sec. 9. The great inconvenience to which the people are subjected living in the territory from which said

County of Hudspeth is hereby created by being compelled to travel immense distances to attend court and other public business at the county seat of El Paso County, Texas, in which they now reside, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Austin, Texas, Feb. 16, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills, have carefully examined and compared Senate Bill No. 243 and find it correctly enrolled, and have this day at 3:20 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By King.

S. B. No. 243.

An Act to validate all sales of public free school lands which were purchased from the State and fully paid for and for which patents were signed by Governor J. S. Hogg on the twenty-second and the twenty-third days of October, 1894, and on the thirtieth day of November, 1894, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All sales of public free school lands which were purchased from the State and fully paid for, and for which patents were signed by Governor J. S. Hogg on the twenty-second and twenty-third days of October, 1894, and on the thirtieth day of November, 1894, are hereby validated and all rights and claim in and to the land embraced in said patents is hereby relinquished to the owners thereof.

Sec. 2. On account of the fact that the State has heretofore filed suits for the land coming within the purview of this Act and even though said suits have been dismissed, the same casts such a cloud and suspicion upon the title thereto as to retard its sale and development creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and the same is hereby suspended, and this

Act be placed upon its third reading and final passage and take effect upon date of final passage, and it is so enacted.

APPENDIX B.

Special Committee Report, With Exhibits.

Austin, Texas, Feb. 15, 1917.

To the Honorable Senate of the State of Texas:

We, your committee, to whom was referred

Simple Resolution No. 66, providing for an investigation of the University of Texas by a special committee,

Have had the matter under advisement and beg leave to submit the following report:

Your committee decided that it was best to conduct executive sessions rather than public sessions, in order that your committee might be enabled to finish its labors without delay and report back the results.

The chairman of your committee sent written notices to Dr. R. E. Vinson, president of the University of Texas; Hon. John W. Brady, chairman of the Alumni Association; Senator O. S. Lattimore, author of the resolution, and Hon. James E. Ferguson, Governor of Texas, inviting them to appear before your committee and requesting them to submit to your committee such evidence as they might care to place before us.

In accordance with the above, Dr. R. E. Vinson, Dr. W. J. Battle, Hon. John W. Brady and others, representing the University of Texas, appeared before your committee and testified. We attach hereto a full statement of the testimony of the above named parties and others who testified in favor of an investigation, and invite to this testimony the attention of the Senate.

We were impressed with the fact that the representatives of the University of Texas, including its president and Dr. W. J. Battle, as well as the representatives of the Alumni Association who appeared before us, seemed to desire that the investigation which they asked for be limited to the charges which have here-

tofore been preferred by His Excellency, Governor James E. Ferguson, against certain members of the faculty of the University of Texas, and to have the Senate state whether or not, in its judgment, the action of the Board of Regents in refusing to sustain said charges was proper under the circumstances; and further that an investigation be held touching the character and fitness of the three Regents of the university nominated by the Governor, and as to whether or not they were pledged to any particular course of action before being appointed as Regents.

Your committee was very much impressed with the attitude of Dr. R. E. Vinson, president of the university, who seemed fair and just in his statements, and who later filed with us a copy of an address which he had prepared and which he delivered to the ex-students of the university at San Antonio, a copy of same being hereto attached.

It seems that the demand for an investigation, according to the proponents of same, is caused by the fact, as stated by these proponents of the investigation, that many rumors were afloat in the State of Texas, touching the charges formerly preferred by Governor Ferguson against certain members of the faculty, and that the State, as a whole, seemed not to think these charges were definitely set at rest by the action of the Board of Regents, and by the further fact that Senator I. E. Clark, during the session of the present Senate, had written a confidential letter to Dr. W. D. Jones of Dallas, Texas (which letter is attached to this investigation), in which Senator Clark stated, among other things, that he did not believe any changes were contemplated in the faculty of the medical branch of the University of Texas at Galveston, but that he stood with Governor Ferguson in his attempt to remove undesirable characters from the faculty of the main university. We do not quote the exact language of Senator Clark, and for it reference may be had to his letter hereto attached. Senator Clark appeared before your committee and stated that he had talked with Governor Ferguson several times, and that he did not believe that the Governor

would allow, if he could prevent it, any changes in the medical faculty at Galveston, and that his language in regard to certain members of the faculty of the main branch of the university was caused merely by what he had heard and read in the press of the investigation held at the University of Texas by the Board of Regents when the Governor appeared and preferred charges against certain members of the faculty, and that he (Senator Clark) personally knew nothing touching such charges one way or the other.

Owing to the limited time and the engagements of the Governor, and the fact that the time of this committee within the last few days has been very much taken up with its duties in the open Senate, we have not secured the statement of the Governor of Texas, but in the event we do so before this report is made, we will attach a copy of his testimony to this record for your information.

It is the conclusion of your committee, after having conducted this investigation, that the Senate of Texas is fully capable of deciding the proper course that it should take in the premises, and we therefore refer the entire matter back to the Senate of Texas, together with all the testimony that we have been able to secure, and suggest that the Senate examine such testimony and ask such questions of your committee as it may see proper, and that the Senate committee decides for itself whether or not the Lattimore resolution should be adopted.

It is the sense of your committee that if an investigation touching the character, qualification and fitness of the nominees of the Governor for the Board of Regents be held that the same should, if possible, be held in executive session, all of which is respectfully submitted. (Signed)

PAGE,
Chairman.
DAYTON,
HENDERSON.

Feb. 16, 1917, Report filed.
JOHN D. McCALL,
Secretary of the Senate.

Address of Dr. Vinson at San Antonio.

Ladies and Gentlemen:

The purpose of my appearance before the ex-students and friends of the university in San Antonio tonight is not to wage a fight upon any one, nor to rehash the details of the controversy between the Governor and the Board of Regents, which furnished the reasons for the investigation held by the Board of Regents in October, 1916. The matters which concern me at this time, and which I think should vitally concern every loyal citizen of the State of Texas, much less every loyal alumnus of the university, are far deeper than any political wrangle of any sort whatever, and far more important than the question of the decisions made by the Board of Regents. I hold no brief for the individual members of the faculty who may or may not have been guilty of conduct unbecoming an institution of the standing of the University of Texas. They have presented their own defense to the Board of Regents, and, so far as I am informed, are ready to present their defense before any lawfully constituted body whatsoever which may have the right to examine into their conduct. The real question which concerns me, and which I believe confronts the university and the State as well at the present time, is of a far more serious nature than this. Perhaps I can outline the nature of the present situation by going into the reasons which led me to request the faculty of the university to join me in a petition to the Legislature asking for an investigation of the university's affairs.

I appreciate the gravity of the situation and the consequences which may arise from such an investigation as has been requested. Investigations may be exceedingly harmful. Yet, in spite of all this, after months of reflection and of effort to deal with the conditions as they now confront and have confronted the University of Texas, I have come deliberately to the conclusion that, unless the Legislature shall come to the relief of the university, the results of its neglect will be of infinitely graver consequence to the university than the results of any fair and

sympathetic investigation which could be conducted.

I also quite appreciate the difficulty of the problem which now confronts the committee appointed by the Senate of this Legislature to decide as to whether such an investigation is needed or not. The committee, of course, will take all the facts into consideration, and will hear all sides, before making a decision, and I personally feel sure that we can count upon this committee's rendering a decision which will not only be in accordance with the facts, as it may be able to discover them, but will be its conscientious conviction as to what should be done in the premises. My engagement to speak to you tonight was made prior to the setting of the time for the university to be heard before this committee. I appeared yesterday before the committee, was most courteously received and given every opportunity to express myself fully upon the issues involved, and was very much impressed by the serious manner in which the committee is approaching the task which the Senate has imposed upon it.

With these statements, let me now proceed to lay before you, as briefly as I can, the reasons by which I personally was moved to seek for this investigation.

(1) I had hoped, and had had much reason to believe, that the matters which had been acted upon by the Board of Regents at its meeting last October had become *res adjudicata*, and that the settlement of the controversy reached by the Board of Regents was satisfactory to all parties concerned, including both the university and the Governor. I have been led, however, by persistent rumors which have reached my ears since the opening of the session of the present Legislature, to believe that this was not the case. I am not responsible for these rumors having been circulated, nor, so far as I know, any members of the faculty; for we have been extremely careful to maintain an attitude of silence on this matter. These rumors have come from various sources: from people friendly to the university, and from those upon whom, while not its enemies, the university has no especial claim of friendship.

These rumors at last reached a climax in a letter from a member of the present Senate, in which he states, in effect, that he has had a conference with the Governor in the last few days, and is in thorough sympathy with him in his efforts to rid the university at Austin of the "thieves" in its faculty. This language struck me as being sufficiently strong to indicate either that the controversy which I had regarded as settled by the board's investigation in October, 1916, had not been settled, or else that the presence of thieves in the faculty of the University of Texas had been discovered since that time. It is impossible for the university to rest under such a grave and serious indictment of the character of its entire faculty and administrative officers until such charges are made, specified and proved, or retracted.

(2) The Board of Regents, in the printed record of the controversy above referred to, earnestly requested the Thirty-fifth Legislature to appoint a committee to enter into a full and sympathetic investigation of the board itself and of the general affairs of the university at large. This investigation called for by the Board of Regents was also requested by the memorial of the General Welfare Committee of the ex-Students' Association, which was presented to the Senate. Whatever might have been the opinion of the faculty and president of the university with regard to the fact as to whether or not the issues raised in the investigation in October, 1916, had been settled or not, the president and faculty of the university could not remain silent when an investigation of the members of the faculty and of the administrative staff of the university had been demanded by other parties, without laying themselves liable to the charge of being afraid that such an investigation would reveal irregularities and proof of unrighteous conduct. The president and faculty of the university, therefore, were robbed of any choice other than to fall in line with the requests of the governing board of the university and of the General Welfare Committee of the ex-Students' Association.

(3) But, ladies and gentlemen,

the present situation confronting the university and the need for an investigation of its affairs must go still deeper than the reasons which have been outlined above. When I say to you that it has been possible for a situation to exist in the university which has made it practically impossible for me to give any time to constructive planning for the institution, much less to the carrying out of constructive policies, during the eight months in which I have been president of the university, it seems to me that this in itself should present a condition of sufficient gravity to cause the Legislature of the State of Texas to inquire into the affairs of the institution and to discover what is needed in order to relieve it. Yet, just this is the fact. I found such a condition existing when I entered the office. It has existed ever since. And the difficulty, in my judgment, lies just here: There has been no clear definition made by the Legislature of the State of Texas of the powers of the Board of Regents and of the Governor of the State with reference to the conduct of its educational institutions. The mere possibility that the investigation held by the Board of Regents in October last might be taken up by the board now being constituted by the Legislature, and gone into, and through with again, has created an unrest, both within and without the university, which has been productive already of two serious consequences. The first is to render the faculty now in the university so uncertain of their future tenure of office and of the authority to which they are responsible as to interfere seriously both with their present efficiency and with their possible future attachment to this institution. In the second place, it is having its effect upon the ability of the president to fill vacancies in the faculty of the university with men and women of sufficient scholarship and standing to give promise of efficient service to the university.

It is not my purpose at this time to suggest a remedy for these difficulties. I have not been called upon to offer any remedy, and I cannot presume to suggest a remedy until my opinion is requested. But the problem which confronts the com-

mittee appointed by the Senate to decide as to whether an investigation is needed or not is one which, in my judgment, will not be correctly answered until, so far as human wisdom can accomplish such an end, it shall make it impossible for such a condition as now exists in the University of Texas ever to arise in the future either in this institution or in any institution under the control of the State of Texas. Let us banish from our minds any thought that we are now engaged in a political controversy whose end is to be simply victory for one side or the other. It should make no difference to us whether the opinions of one side or the other in this present agitation are to prevail, so long as the integrity of the university, the honor of its faculty, and an open road to its future are guaranteed both to the institution and to the people of Texas by this present Legislature. I refuse to believe that the committee appointed by the Senate will take any other position than the broad, far-seeing vision of the possibilities of the future of this university and of the necessity of providing a way by which the forces resident in the institution can be released to the realization of that future.

It is to this end that I ask for the loyal support of the ex-students of the university in San Antonio and elsewhere. Let us sink matters of mere personal opinion and individual differences, and work out a means by which, apart from personalities, the University of Texas may accomplish its destiny. To come out of such a controversy with any other result is to fail in the accomplishment of the serious purpose which I believe all friends of the institution have in mind.

ROBERT E. VINSON.

February 13, 1917.

Exhibit A.

Austin, Texas, Jan. 12, 1917.

Dr. W. D. Jones, Dallas, Texas:

My dear Dr. Jones—In replying to your favor of the 8th instant, I will state that I thoroughly understand Dr. Fly's position in regard to the medical department of the University of Texas. I have known Dr. Fly for the last thirty years, and know that he is very jealous of Dr.

Thompson, and has always tried to injure Dr. Thompson ever since he assumed the professorship of surgery in the university, and Dr. Fly had rather see the university "busted up" than to see it succeed under the management of Drs. Thompson and Carter.

I had an interview with the Governor the other day in regard to this matter, and I do not think that he contemplates the removal of any one of the faculty of the medical department of the university. He will not pay any attention to what Fly says about either Thompson or Carter. The Governor has no desire to meddle with the faculty of the medical department of the university, but he is after some of the thieves in the university here at Austin, and if there is any chance I want to help him clean out and purify the faculty so that we can have a great university here.

Yours fraternally,

I. E. CLARK.

Statement of Senator I. E. Clark.

By Senator Page:

Question—Senator, you state here that Dr. Fly is very jealous of Dr. Thompson and has always tried to injure him, but you do not think the Governor contemplates the removal of any one of the faculty of the medical department of the university.

Answer—For the last six months the alumni of the medical department have been writing to me, stating that it was the intention of Dr. Fly to have Dr. Thompson, Dr. Carter and Dr. Keller, and some other doctor, whose name I cannot now recall, removed from the faculty; and they stated that Dr. Fly wanted to be dean of the faculty instead of Dr. Carter, and that he wanted Dr. Thompson removed, as stated above, and I promised the alumni that I would see the Governor and ascertain if there were any truth in that report. I wrote to several members of the alumni, stating that I had seen the Governor when I first came here, before the Legislature had convened, and he told me that there was nothing in that report; but, after the Senate convened I received a great many letters from the alumni

of the university, after the nomination of Dr. Lawrence had been sent to the Senate for confirmation, and they stated that if Dr. Lawrence was confirmed he would be an ally of Dr. Fly, and would do everything that he could with Dr. Fly to disrupt the medical department of the university. I then went to see the Governor the second time and told him that the reports were being circulated among the alumni. I asked him if he knew Dr. Lawrence, and he told me that Lawrence had been recommended to him as a good man and as an honorable man, and that, as far as he knew, there was positively no conspiracy between Fly and Lawrence to remove any one from the medical department of the university. He told me that Dr. Fly and Dr. Lee had recommended him.

Q.—Do you know Dr. Lee? Where is he?

A.—He is at Galveston; professor of obstetrics of the university there.

Q.—Of your own knowledge, do you know whether he is in sympathy with Dr. Fly?

A.—I know he was a good friend of Dr. Fly. Dr. Lee is in every way a high-class gentleman, a fine physician and recognized as such.

Q.—Dr. Clark, in conversation with the Governor since the convening of the Senate, you stated to the Governor that you had heard that Dr. Fly was going to try to remove some of the members of the medical faculty at Galveston, especially Dr. Thompson and Dr. Carter.

A.—The Governor stated that Fly and Lawrence could not control the board; that there were enough other members to block any move of that kind, even if it were contemplated. The Governor said he was going in person to see Fly and Thompson and try to get them all to make friends.

Q.—You state in the latter part of this letter that the Governor was after some of the thieves in the university here at Austin. Please state on what you based your information when you wrote this letter.

A.—I based my statement on current reports that I had heard in connection with the charges made by the Governor, which have long since been investigated. I had no reference to any specific person being guilty of dishonorable conduct, and,

so far as I am personally concerned, know nothing outside of the printed reports of the investigation held at the University of Texas on the charges preferred by the Governor and current rumors. I will state further that I now desire to disclaim any intention to reflect on any individual member of the faculty or Board of Regents of the university, and that said letter was written to Dr. Jones, a personal friend, was intended to be confidential, and that I never contemplated anybody but myself and Dr. Jones would know anything of the contents.

Address by Dr. W. D. Jones.

Dr. W. D. Jones of Dallas, Texas, speaking before committee:

It might be well for me to say something about my interest in this school. Not being able to pay for my education, having been raised on a farm in East Texas, one of a family of ten children, I waited on tables at Galveston to get my medical education. That my interest in the medical department is very much indeed. I have seen it grow and seen it recognized as one of the leading medical schools of this country.

I believe if one member of Board of Regents is confirmed it will mean a disruption in the present faculty of the medical department.

If the minutes of the Board of Regents will show that one member of the Board of Regents at present who is not under confirmation, is prejudiced against two and possibly four of the members of the faculty in the medical department, then I should say there ought to be some sort of investigation extending back at least four years.

(It was asked how he would expect to reach Dr. Fly by an investigation.)
(Ans. That if facts were brought out it might prevent new appointees from aligning themselves with Fly.)

I believe that appointment of the Board of Regents ought to be removed from the Governor. I would do it this way—I do not know if it is legal. Our Supreme Court is further from politics than anything I know (Page remarked, I don't know about that from recent campaign) and that they be appointed by the Supreme Court, and if not this method, some other method ought to be found.

Q. Do you think it would be a good plan to elect them by the people?

A. No, sir.

I will say that there ought to be an investigation of the conduct of the Board of Regents for at least four years back in justice to the men going out and those that remain. It will develop if there has been anything said reflecting on the board.

I was intensely interested in the University, in the medical department, and I had heard that Dr. Clark was a friend of the medical department, and it was with no degree of prejudice or intention of mine to do anything except to use my efforts for the betterment of that branch that I am mostly concerned in and I was seeking to get the matters of unrest among the students and alumnae that I wrote this letter to Dr. Clark. I believe really Dr. Clark is a friend of the University. I know he is going to stand up for the medical department.

Two years ago there was organized the Texas Surgical Society. Dr. J. E. Thompson was made president. He delivered an address to that society in San Antonio; he dealt with general conditions and his address was really a classic. (I will furnish you a copy.) Dr. Fly, as stated in my letter to Dr. Clark, immediately took exceptions to that address. Dr. Thompson was investigated on charges by Dr. Fly that he had reflected on practitioners and undertook to propound a series of personal questions making a personal controversy with Thompson and Thompson refused to enter into such and received next day a letter from Dr. Fly signed as chairman of the medical college committee of the Board of Regents of the University of Texas, and Fly mailed copies of this letter (which you can mark Exhibit C) to doctors in Houston, Dallas and where else I do not know. The character of the letter you can read.

Exhibit C.

(Copy.)

Galveston, Texas, March 4, 1916.
Dr. Jas. E. Thompson, Professor of Surgery, Medical Department, University of Texas, Galveston, Texas.
Dear Sir: As you have spoken authoritatively as the titular head of the Texas Surgical Exclusive Society, and have in your address reflected on every general practitioner in Texas,

who does surgery, as a member of the controlling board of the Great University, I make bold to propound to you the following questions as they have been brought to me by both lay and medical taxpayers:

First, where were you born and when?

Second, what was your preliminary education prior to the study of medicine?

Third, what experience had you as a teacher of surgery prior to your election to the chair of surgery in the Medical Department of the University of Texas?

Is it, or is it not a fact, you were no more than a mere demonstrator of surgery at the time?

Is it, or is it not a fact, that you had independent means to enable you to do exclusive work?

Have you done any research work, if so, has it been published in this or any other country?

Have you performed any original operations?

Prior to your election to the chair of surgery in the University, did you, or did you not, have an opportunity to learn obstetrics; if so, where and how long?

Did you, or did you not, have an opportunity to learn modern gynecology?

Is it not a fact that you have received \$3,000 a year for practically about eight months' work per year, for the past twenty-five years ending May 31, 1916, or a total of \$75,000?

Do you, or do you not, do surgical gynecology? If you answer that you do and claim to be an exclusive surgeon, why do you trench upon the ground of gynecologist? If you claim to be an exclusive surgeon, also claim that nobody except an exclusive surgeon is admissible to your exclusive society, then what right have you to be a member of a society whose greatest proportion is composed of general practitioners?

Is it a fact that you have always refused to assist your graduates when they want to do surgical work, refusing to have anything to do with the case unless you did the operating? If so, then how many members of the present Surgical Exclusive Society are graduates of the Medical Department of the University of Texas, and how many of them did exclusive surgery from the beginning? Also answer how many of them did general practice prior to becoming exclusive surgeons.

Is it not a fact, also, that for over twenty years the private rooms of the John Sealy Hospital were kept at the disposal of yourself and a general practitioner who furnished the diagnostic ability of the firm?

Suppose that the population of Texas is practically five million now, and that your Exclusive Society, composed of their twenty members, including yourself, did not exist, what would become of the poor, unfortunate people? Operations have been performed by the general practitioner successfully.

You incidentally refer to ethical methods. Please state, if you are able to, where you obtained any knowledge of medical ethics. I made the public charge in the County Society some years ago that "all practical matters, except ethics, were taught in the Medical College, and that ethics was neither taught nor practiced by the professors, with a few notable exceptions." Drs. Paine and McLaughlin were teachers then and sticklers for ethics; they showed no disposition to deny the allegations. That charge was not refuted then nor has it been refuted since. I do say that "silence gives consent."

From methods resorted to by a few of your graduates to obtain practice, I am led to believe that this custom has not changed.

You also advise against medical men taking an interest in medical politics, but, at the same time, advocate their keeping in line with the "powers that be." I beg to call your attention to the fact that the greatest political "ring" that I have ever come in contact with during my political career is composed of the executive committee of the medical faculty, who are medical men, of which you are a member; the executive committee of the Board of Regents, who are laymen, and presidents of the University, who are also laymen. I make these statements in defense and on behalf of the general practitioner.

After forty years of experience, no doubt you think I ought to be retired, not even be called in in consultation. I beg to advise you that I have been a practitioner some time and have done some "sloppy surgery," but I claim the distinct credit of saving many people from the operating table that otherwise would have gone there had it not been for my advice; many of whom are living today.

The very fact that this surgical so-

ciety, of which you are the head, had your address published in all the lay papers, in violation of the code of ethics, is a sufficient charge that it was done solely and only for advertising purposes. I beg to remind you that I divest myself of all personalities in this matter, except where it is necessary to emphasize and clinch my arguments.

One of your claims to exclusiveness is that you are opposed to the division of fees. Pray tell me when that pernicious custom ceased, because I have a distinct recollection of the only time you had an opportunity, which was in 1896, you offered to divide a fee with me, but I requested you to make your own fee and I would make mine. I saw that your fee was collected, and as a matter of surgical ethics, doubled your fee. If you have forgotten this matter, I have the dates to furnish you both from memory and in writing. I have also been told by several physicians that you have divided fees equally with them during the past few years.

Kindly answer this at your earliest convenience, because I propose to make full publication in all the journals that have published your address. Should you fail or decline to answer, I shall take it for granted that all statements herein contained are correct and need neither refutation nor reaffirmation. Should you deny any of the charges made, I shall then furnish you, also the public, with detailed facts.

In conclusion I wish to say that your surgical society, whether authorized by the American Medical Association or not, causes many of us that have read history, from which we have gained certain knowledge, for instance, we are taught in Julius Cæsar that all Gaul is divided into three parts, but after reading your address, I am persuaded that there is a mistake and that all "gall" is concentrated in the Texas Surgical Society.

I am reliably informed that your society has been very active in keeping out of the American Surgical Society, or the American Colleges of Surgery, many good men who are thoroughly qualified to practice surgery, and I am also reliably informed that most of the exclusive surgeons have either railroad positions or some hos-

pital position that causes them to assume this attitude of "great I am."

An early reply will greatly facilitate this discussion.

Yours respectfully,

(Signed) A. W. FLY, M. D.,
Chairman of the Medical Committee of
the Board of Regents of the University of Texas.

And then Dr. Thompson simply enclosed copy to Dr. Battle (and which you can mark Exhibit D) stating that there had been serious charges made and asking him to investigate, as it would injure him.

Exhibit D.

Galveston, Texas, March 7, 1916.

W. J. Battle, Esq., Acting President,
University of Texas, Austin, Texas.

My Dear Mr. Battle: I enclose in this registered letter, a communication that I have received from Dr. Fly that I commend for your perusal and ultimate disposal.

It is useless for me to comment on its contents and general tone, as they speak for themselves. The matter emanates from personal dislike of me, which he has evidently entertained for many years. The atmosphere of hatred is somewhat of a surprise to me, because although I know that I was a persona non grata, I had not the slightest idea that his animosity was so bitter.

Last Friday night during an investigation held by the Galveston County Medical Society, much to my surprise, Dr. Fly, who was the chairman of the committee appointed to investigate these matters, asked me a perfectly irrelevant question, which I refused to discuss. He then threatened me in open meeting with dire punishment at the hands of the executive committee of the Medical Department of the University. I protested against this abuse of his official position, as a member of the board of regents, in insisting on a discussion of matters that were clearly out of order, in such a meeting. This angered him tremendously and he reiterated his threats.

The result of this meeting is that I received on Sunday afternoon the enclosed letter, which deals with a number of points, which are clearly personal matters and can not, by any possible means, be construed as mat-

ters that concern the University authorities. There are, however, some points contained in this letter that do clearly concern the University authorities, and I think that it would be very much better for you to discuss this matter with the president of the board of regents, and call for an investigation, if you think proper. I am, personally, very anxious for such an investigation to be held, but I must insist on the meeting being called in a proper and orderly manner, and not at the whim and caprice of Dr. Fly.

I do not know, of course, what the rules of the board of regents are in this matter, but I should imagine that such a meeting would be called by you, as acting president, and that the charges against me should be specifically named, in order that I might have a chance of bringing evidence to rebut them.

I am very sorry to force this matter on your notice, but I can not, with dignity to myself, take up the matter personally with Dr. Fly.

With kindest regards, I am,

Yours Faithfully,

(Signed) JAMES E. THOMPSON.

Dr. Thompson was exonerated.

Resolution was adopted in the Alumni Association of the Medical Department of the University of Texas at Galveston May 9, 1916. There were 139 present at that meeting; one man left while the resolution was being read. There was not a dissenting vote in the adoption of the resolution. Dr. Fly claims that this resolution was not discussed and railroaded through. Dr. Starley, president of the association, says: "If there is any one wanting to discuss this resolution, we will stop for it. Nobody discussed it, and a standing vote was had. Nobody voted against it."

Exhibit E.

Copy of resolutions adopted by the Alumni Association of the Medical Department of the University of Texas, at Galveston, May 9, 1916.

Whereas, The standing of the Medical School depends upon its facilities for teaching and the reputation of its teaching force; and,

Whereas, There has been organized in the State of Texas the Texas Surgical Society, composed of men do-

ing exclusive surgery and who are among the foremost men of the State and they saw fit to elect Dr. J. E. Thompson, professor of surgery of the University of Texas, their first president; and,

Whereas, Dr. J. E. Thompson delivered the first president's semi-annual address to said Texas Surgical Society last fall, and the lay press, on account of its being of general interest to the public, and in keeping with the recommendations to the council of the medical education and of the American Medical Association; and,

Whereas, A member of the board of regents of the University of Texas has assumed the responsibility of propounding a series of questions to Dr. J. E. Thompson, which are largely personal, misleading and insulting, and mailed copies of same to some of the profession throughout the State, over his signature as chairman of the medical committee of the board of regents of the University of Texas, thereby, we believe, usurping his authority as an official; therefore, be it

Resolved by the alumni of the Medical Department of the University of Texas in session, That we condemn such procedure as detrimental to the Medical Department of the University of Texas, and that we declare the charges contained therein to be wholly false and that they should not be countenanced by the alumni of the Medical Department of the University; be it also

Resolved, That we, as an Alumni Association, are becoming indignant at the unnecessary agitation and charges without foundation being brought against members of the faculty of the Medical Department, as has been in the past; be it further

Resolved, That a copy of these resolutions be spread upon the minutes of this association and a copy mailed to each member of the board of regents of the University of Texas.

Then I introduce letter to Dr. Terrell from Dr. Fly in regard to that resolution. Dr. Terrell is secretary of the Alumni Association of the Medical Department of the University of Texas. Hereto, attached, marked Exhibit F.

Exhibit F.

Galveston, Texas, May 22, 1916.

Dr. J. J. Terrell, Secretary and Treasurer Alumni Association of University of Texas, Temple, Texas.

Dear Doctor: Will you kindly forward me a copy of the resolution that was railroaded through the association, without discussion, the purpose of which, was commending Dr. Thompson and at the same time condemning a certain regent.

Fourteen of the alumni have assured me that they did not know what they were voting for. The ex-president of the association assures me that he believes more than one-half of the association did not know what they were voting for.

An early reply will greatly oblige.

Yours Most respectfully,

(Signed) A. W. FLY, M. D.,
Chairman Medical College Committee, University of Texas.

I submit a letter from Dr. Thompson to the president of the board of regents, dated June 3, 1915. Hereto attached marked Exhibit G.

Exhibit G.

Galveston, Texas, June 3, 1916.

To the Hon. President of the Board of Regents of the University of Texas.

Dear Sir: On March 7th I sent to Dr. W. G. Battle, acting president, a communication which I had received from Dr. A. W. Fly, signed officially as chairman of the Medical College committee. With this document, I sent a letter strongly protesting against the method of attack and calling his attention to the fact that I did not believe that Dr. Fly had any right to use his official position to gratify his private animosities.

Since my letter was written, Dr. Fly's communication has been sent to a number of doctors in the State (to my knowledge to both Dallas and Houston), where it has been widely read and discussed.

As this communication contains many statements that are libelous and malicious and as the whole tone of the document is coarse and undignified and as such is particularly likely to besmirch my character and produce a wrong impression of me in the minds of people who do not know

me personally, I shall esteem it a favor if your Honorable Board will take action in this matter and repudiate any official connection with it in such a manner that I can present it to the very people whose minds have been poisoned against me, I am,

Your obedient servant,
(Signed) JAMES E. THOMPSON.

And again I submit a letter from Fly to Dr. Thompson, dated June 9, 1916, hereto attached, marked Exhibit H.

Exhibit H.

Galveston, Texas, June 9, 1916.

Dr. Jas. E. Thompson, Professor of Surgery, Medical Department, University of Texas, Galveston, Texas.

Dear Sir: I am in receipt of yours of the 3rd instant, in which I notice your "Macedonian cry" to the regents, complaining of my official action.

I beg to state to you, that, as you have used every opportunity both officially and otherwise, to advance your undertakings, including the railroading through the alumni meeting a resolution, the purpose of which was commending you and condemning me, and that you have studiously avoided answering any question propounded to you, I will continue to use any means at my command to disseminate your "coarse and undignified assault" upon the general practitioners of Texas.

Yours truly,
(Signed) A. W. FLY, M. D.,
Chairman of Medical College Committee, University of Texas.

And another letter by Dr. Fly to Dr. Thompson dated June 9, 1916, hereto attached, marked Exhibit I.

Exhibit I.

(Personal.)

Galveston, Texas, June 9, 1916.

Dr. Jas. E. Thompson, Galveston, Texas.

Dear Sir: As you do not seem to understand the difference between official criticism and personal action, I take this means of assuring you that as you have been guilty of the first breach of decency between gentlemen, in offering personal affront

at a public reception at Hotel Galvez, I take this method of calling your attention to the fact that, personally, I regard you as wanting in all of the dignified parts of a gentleman, including the complete absence of courage, and seem to be too dense to recognize the difference between official success and official losing.

If you do not understand this, it may be necessary in the future to make a plain, careful demonstration to you of the differential diagnosis between official criticism and personal insult.

Begging to assure you of my unqualified personal contempt, at the same time assuring you that I shall endeavor at all times in the future, as in the past, to keep apart official action from personal feeling, I remain,

Yours truly,
(Signed) A. W. FLY.

I submit copies of telegrams. One I sent Dr. Mezes, former president of the university, and his reply to me, which connects Drs. Fly and Lawrence in a manner which I believe will show to you there is danger ahead for that department, hereto attached, marked Exhibit J.

Exhibit J.

(Copy of Telegrams.)

Dallas, Texas, January 29, 1917.

S. E. Mezes, President of College of the City of New York.

Send lettergram giving brief details of conversation and proposition Dr. A. W. Fly made you to have Dr. D. H. Lawrence made full professor at Galveston.

W. D. JONES.

New York, 2:30 p. m., Jan. 29, 1917.

Dr. W. D. Jones, Dallas, Texas.

During the interval when Dr. Fly was not a regent in 1911 I think we were urging the Legislature to transfer the Galveston quarantine fund balance to our Medical Department. In conversation with Dr. Fly in Galveston he offered to advocate, instead of opposing, the transfer if I would have Dr. Lawrence made a full professor. I declined to meet his condition.

S. E. MEZES.

On October 17, 1916, I wrote the Governor of Texas and submitted the facts in evidence bearing on Dr. Fly's activities at the Medical Department. Do not know whether this letter will have any bearing on the question or not. The Governor merely acknowledged receipt of it; hereto attached marked K.

Exhibit K.

October 17, 1916.

Hon. Jas. E. Ferguson, Governor of Texas, Austin, Texas.

Dear Governor: You will find in the enclosed documents some information which speaks for itself without any comment from me, and marked as follows: "Exhibit," a copy of the president's address delivered to the Texas Surgical Society, which caused Dr. A. W. Fly to propound a letter with a series of questions, a copy of which is marked "Exhibit B;" which provoked the adoption of a resolution by the alumni of the Medical Department at Galveston, May 9, 1916, a copy of which is marked "Exhibit C;" a copy of a letter to the acting president of the University, marked "Exhibit B;" a copy of a letter to Dr. Thompson from Dr. Fly, marked "Exhibit E;" another letter from Dr. Fly to Dr. Thompson, a copy marked "Exhibit F;" the last a copy of a letter to the president of the board of regents from Dr. Thompson, marked "Exhibit C." With best wishes, I am,

Respectfully yours,

(Signed) W. D. JONES.

Do you know anything against the personal character of Dr. Lawrence No, sir.

Do you think the Board of Regents would have elected a man if there had been anything against his character?

A.—I do not believe they would in so far as this, there was nothing against his character at that time. As I stated to you a few moments ago, I know nothing against Dr. Lawrence's personal character. I had a conversation with him Saturday, one week ago, and we talked very frankly. He knows I have nothing personal against him. He knows that if I believed he would line himself up with any faction to the detriment of the Medical Department I would do

my best to keep him from being confirmed by the Senate.

Somebody ought to be responsible if disruption occurs in the Medical Department. Then I asked him if he favored a change in the rule of the Board of Regents as had been advocated by Dr. Fly, to take the power of nominating and dismissal of members of the faculty out of the hands of the president, which is Section 6 of the rules and regulations, Board of Regents (reads it). He says this: I favor a change in that rule. It gives the president of the University too much authority. The change whereby the Board of Regents would have power to name officers and members of the faculty. He said: For instance, Jones, you are a personal friend of mine, and I know that you are competent to teach in the University. The president might not see fit to name you. Then I would want the authority and the power to name you and place you on the faculty. I said to him, that in itself will drag the institution into politics and will be a political scramble in the Board of Regents and Dr. Fly will have a personal friend appointed a member of the Board of Regents and a friend put on the faculty, and if that be the case, it would be necessary to displace a good and efficient man now on the faculty, and that reason, in my judgment, ought to prevent his confirmation.

As it is now the member of the faculty is named by the president and confirmed by the Board of Regents. He wanted to provide that the Board of Regents would do the electing. He wanted to give them the power and take it away from the president.

It is my personal opinion that Dr. Lawrence had evidently discussed the changing of this rule with the men who wanted to change it or some one else. I assume, he had discussed it. He did not state to me that he had.

I am opposed to Dr. Lawrence's confirmation.

Statement of Dr. Vinson Before Committee.

Dr. R. E. Vinson, president of the University of Texas, stated before committee:

I wish to make statement as to the reasons which led up to the ac-

tion of the president and faculty of the University in sending petition to the Legislature requesting that an investigation be conducted into all affairs of the university. That was in line with request made by Board of Regents in printed report of hearing held last October. Also in line with desires of General Welfare Committee of ex-Students' Association of the university.

First of all, we were moved in this matter to ask for an investigation by the fact that these other requests for investigation had been made. The president and faculty of the university could not remain silent and not express themselves upon this matter when an investigation had been called for by other bodies, including governing board of the institution, without laying itself liable to have its silence misunderstood and misinterpreted.

Report of Board of Regents, page 139:

"A thoughtful review of the above several statements and quotations disclosing the board's practice in these matters will show, we hope, that the Board of Regents have acted in the best faith, for the good interest of the State, as well as of the university, in attempting to avoid any unnecessary contentions with any department of the State government. The resolution above referred to as having been passed at the October 26, 1915, meeting was an honest effort to allay the bitterness of an unfortunate controversy.

"We beg to close this statement concerning the board's practice in appropriations within its powers, for the university, with the earnest request that any and every act of this board be examined and investigated to the fullest extent by a properly constituted legislative committee, and that we sincerely trust that such an investigation, intelligently, candidly and sympathetically pursued, into the transactions of this board and the general affairs of the university at large, will result in great benefit to the State and university and perhaps all individuals involved. We must reiterate our persisting confidence in the tone of character, intelligence and honor of the general personnel of the University of Texas."

That we were ruled first of all in asking for this investigation because Board of Regents had demanded such investigation, and also it had been demanded by Welfare Committee of ex-Students' Association.

The second reason which moves us to ask for this investigation, because of the fact that so many rumors have been reaching our ears, coming from many different directions, that the investigation held last October by Board of Regents had not clarified the situation at the university. Had not settled the controversy which was then going on, and that it was to be continued.

At this point I wish to introduce as being the foundation upon which I base my own action in this matter more than anything else, a letter which was sent to me as having been written by a citizen of the State of Texas and a member of the present Senate, which casts such a reflection upon the general character of the university as to create what in my judgment is an intolerable situation:

"Austin, Texas, Jan. 12, 1912.

"Dr. W. D. Jones, Dallas, Texas:

"My dear Dr. Jones—In replying to your favor of the 8th instant, I will state that I thoroughly understand Dr. Fly's position in regard to the medical department of the university of Texas. I have known Dr. Fly for the last thirty years, and know he is very jealous of Dr. Thompson, and has always tried to injure Dr. Thompson ever since he assumed the professorship of surgery in the university, and Dr. Fly had rather see the university 'busted up' than to see it succeed under the management of Drs. Thompson and Carter.

"I had an interview with the Governor the other day in regard to this matter, and I do not think that he contemplates the removal of any one of the faculty of the medical department of the university. He will not pay any attention to what Fly says about either Thompson or Carter. The Governor has no desire to meddle with the faculty of the medical department of the university, but he is after some of the thieves in the university here at Austin, and if there is any chance I want to help

him clean out and purify the faculty so that we can have a great university here. Yours fraternally,

(Signed) "I. E. CLARK."

And copy of letter to Dr. Clark by Dr. Jones:

"Dear Doctor—There is some uneasiness among the medical alumni of the University of Texas that one of the regents, through his personal animosity toward certain members of the faculty of the medical department, has in mind to use all his efforts to have these men removed, which would practically ruin the medical department of the University of Texas or seriously injure its usefulness for years to come. A brief history of this will not be out of place, and I hope will not tax your patience if this letter seems a little lengthy.

"It appears that Dr. Fly was a professor in the old Galveston Medical College prior to the establishment of the medical branch of the university at Galveston, which took over this medical school, but reorganized its faculty. Dr. Thompson's services were secured at about the same time that Dr. Keiler's were also secured. Dr. Fly was left out of the faculty when it was reorganized as the medical department of the University of Texas. At that time Dr. Fly was doing considerable surgery at Galveston, but of course was not a good teacher of surgery, or at least those who had the power to organize the faculty thought of one whom they thought was better and selected Dr. Thompson.

While Dr. Fly's personal dislike for Dr. Thompson has been known to him and others practically ever since that time, Dr. Fly has not shown it so plainly until he became a member of the governing board of the university. Since that time, on different occasions, he has made an effort to disrupt the faculty, and several years ago preferred charges against Dr. Carter, which were wholly unjust and could not be sustained by the evidence from the ex-students and alumni of the medical department. So at the investigation he withdrew his charges, stating that he had been misinformed by the alumni of the medical department.

"His last effort has been directed against Dr. Thompson, and it appears that he took exception at an address Dr. Thompson delivered before the Texas Surgical Society, which the Texas Surgical Society, by resolution, ordered printed in the lay press. Considering the address as a whole (and you have doubtless read it), it does nobody an injustice. But Dr. Fly disconnected and extracted a sentence for the purpose of trying to show that Dr. Thompson was not a friend to the general practitioner of medicine, and tried to reflect upon the ability of the practitioner. Dr. Fly propounded a series of questions to Dr. Thompson after the Medical Society at Galveston had failed to sustain Dr. Fly on charges against Dr. Thompson, with only three adverse votes against Dr. Thompson. Dr. Fly's letter and questions were personal and insulting, and he mailed a copy of those questions to physicians in Houston and Dallas, to my certain knowledge. I received a copy of Dr. Fly's letter to Dr. Thompson from a physician in Dallas, and I thought and still believe that Dr. Fly usurped his authority as an official by signing it as chairman of the medical college committee of the Board of Regents, and especially after he had mailed it to other physicians throughout the State.

"I prepared a resolution condemning his procedure and introduced it at the alumni meeting in Galveston, and it was unanimously adopted. I am herewith enclosing you a copy of this resolution.

"I have reasons to believe that Dr. Fly has or will use his influence, if he has any, with the Governor against certain men in the faculty of the medical department, and I believe it would be to the Governor's interest that he should be informed that any effort of Dr. Fly's to disrupt the faculty of the medical department will meet with serious opposition from the alumni of that department. Some time ago I mailed Governor Ferguson a copy of Dr. Thompson's address before the Texas Surgical Society, a copy of Dr. Fly's letter to Dr. Thompson, a copy of the resolution passed by the alumni of the medical department, and also copies of other insulting letters that

Dr. Fly had addressed to Dr. Thompson since this resolution was passed by the alumni of the medical department, for his information and to contradict any misinformation that Dr. Fly might have given him.

"I have gone into this matter at some length, and hope that I have not taxed your patience. From the information that I have, you are a good friend of the medical department of the university, and you might have an opportunity to use your influence against any effort Dr. Fly might make against Dr. Thompson and other members of the faculty in the medical department.

"I am mailing you a copy of this letter to your home address and to Austin. With best wishes, I am, yours fraternally,

(Signed) "W. D. JONES."

These were the two main reasons, gentlemen, which led me to present this matter to the faculty of the university, and request them to join me in petition to the Legislature asking for this investigation, but at the same time I put the faculty on notice that if it joined me or not I proposed to send in a petition on my own part asking that this investigation be made; that I would be glad to have the faculty join if they saw fit.

From standpoint of my own official responsibility in this matter, I say this: I hold no brief for any member of the faculty who has been charged with misconduct or who may be charged with misconduct or who may be discovered to have been guilty of misconduct. My position in the university so far from being that of a defender is rather that of being prosecuting attorney before the Board of Regents against any member of the faculty who has been charged with any misconduct. You will find that expressly set forth in rules and regulations under which I am acting as president. So that I am not moved by any desire to defend the conduct of any member of the faculty who may be guilty. But the State of Texas, gentlemen, is due as full and complete information about the character of the people who are teaching in this institution, and about the administrative details of the university (they have been

brought into question, and whose honor has been impugned) as it is possible to give to the people of Texas. The honor of the University of Texas has been seriously affected in the minds of the people of this State by the charges which have been made. Not only that, but I am already finding it exceedingly difficult to manage the faculty of the University which we have now, and to secure other members for the faculty to fill vacancies, because of the unrest and uncertainty which has been created by these rumors. The members of our faculty do not know just where they stand. A charge like that made by Senator Clark, I think you will agree with me, is a reflection upon every individual connected with the University of Texas. That it either ought to be substantiated or it ought to be retracted. The people have the right to know whether it is true or not. And in the fulfillment of my duties as president I tell you frankly so long as this present condition prevails in that institution it is going to be impossible for me to get the right sort of men to come to this institution to fill vacancies from time to time in the faculty of that institution.

I am just beginning my administration as president of the University of Texas. I went into office the first day of July, 1916. Every bit of this disturbance is something which took place before I became president, and so far as I know, before I was even thought of as president. It was the duty of the board of regents to clear the situation up when I took charge or else to leave it in my hands to clear up. It was for that reason I insisted upon the investigation held last October be carried on by the board.

The charge that there were thieves in the University had been made before that investigation was held. The record itself will show the result of that investigation.

As the president of the University charged under the rules of the board of regents with responsibility for the character and conduct of the members of the faculty, I am, if anything, more interested than anybody in this State, if there are thieves in the faculty, in knowing who they are.

Senator Dayton—Q. Now, Doctor, you went through this other investigation—you have been through it all

—is it your candid opinion that this investigation should be had?

A. Yes sir.

Senator Henderson—Q. Is there anything that an investigation by the Senate would uncover that has not already been investigated?

A. I am unable to say. I do not know of anything that could be uncovered, so far as conduct of the members of the faculty are concerned. If you will allow me to express an opinion, I am in hopes an investigation by the Senate will cause it to be decided to have such changes in the whole method of management of the University as will make a condition like this forever impossible in the future.

Senator Henderson—Q. You think in so far as any crookedness is concerned nothing would be uncovered?

A. I have never thought so—I mean serious enough to warrant these matters. My business is to run the University under such board as the Senate may confirm, and I propose to do it with that board. I am not here as president of the University to ask you to fail in your confirmation of any man whom the Governor has named. My responsibility begins where yours ends.

Henderson—Q. Have you in mind a better way of appointing board of regents than having them appointed by the Governor?

A. I will say I have in mind a system I think would do better. I would like to see another system put into operation. I do think the Senate ought to go into that question. The question at issue now has put the University in a position where it can do its work. It can not do its work as long as it has the dead body of these past issues hanging around its neck. I have not been able to do any constructive thinking about the University at all. My whole time has been taken up with dealing with these things which I ought never to have anything to do with.

Chairman Page explained that committee has been appointed to investigate this matter and enters into investigation without any previous conviction. Has not taken any position and shall not until he hears question.

Chairman Page:

Q. Did you not state to Senator Bee that matters between you and the Governor had been thoroughly thrashed out and that you and the Governor would have no further trouble?

A. I stated to Senators Bee, Caldwell and others, also members of the House, something to that effect. I stated substantially what you state.

Q. What has the Governor done to cause you to change your opinion?

A. The Governor has not done anything.

Q. If you have changed your opinion as to what you told Senator Bee and others as to relations between you and Governor Ferguson, what has he said or done to cause it?

A. I changed my opinion with reference to investigation because of reasons which I have stated to you—on account of the letter of Senator Clark and rumors; they have come to me since that time.

Q. Doctor, do you believe, that an investigation into affairs of the University beginning at the time of its organization and coming to this time that the State would be warranted in expending \$30,000 or \$40,000 for investigation?

A. I have not asked for any investigation going back to the year 1. I have simply asked for an investigation.

Q. How much of an investigation do you want?

A. I want it to go back far enough to take in all the present controversy.

Q. Merely an investigation of charges which have been made against members of the faculty?

A. Yes, sir. I want the University investigated. I think the Senate ought to make a complete investigation of the present management of the University.

Q. How far back, two years?

A. Yes, sir.

Q. It was investigated by Board of Regents, why insist for further investigation?

A. Simply because that investigation did not seem to accomplish anything.

Q. It developed all the facts?

A. Yes, sir.

Page: If we have an investigation I think it will be such as will go from the organization down to present time, and might show certain irregularities, occurring in all institutions.

Dr. Vinson: I think this about investigation by Board of Regents, that it was complete and brought all facts out that possibly could be found in connection with that specific matter. Yet that investigation held by Board

of Regents may not finally close the situation. Rumors coming to my ears are of such character as to lead me to believe it will not be final.

Page: If the Governor appears before this committee and says that he recognizes as final the findings of the Board of Regents as far as he was concerned, do you think then it would be necessary for us to go into this investigation? That probably Dr. Clark wrote a hotheaded letter he ought never to have written. That such investigation as we ought to hold would be to investigate character and fitness of men the Governor has named for Board of Regents, we ought to investigate so as to find out from them whether they have made any pledges to the Governor as to their course on the Board of Regents; that this is the sort of an investigation we ought to have?

A. I will say if investigation held by Board of Regents and conclusions arrived at by board is to be regarded as a matter settled finally; if Senate will make such investigation of men appointed as to guarantee that it will be considered as matters already settled, so far as your investigation can do, if this is done and by so doing the University's name before the people of Texas is set forth as an honorable one and its integrity as being without question, no further investigation of these matters will be needed at all. We cannot guarantee.

Q. Now, Doctor, if you care to express your judgment, will confirmation of these gentlemen whom the Governor has named as members of Board of Regents disturb the present relationship at the University?

(It was objected that question went into realm of problematical and could not be answered.)

Dr. Vinson: I have got to work with these members of the board and I do not think that my relations with these members of the board ought to be prejudiced, and for that reason I have been very careful to state that I have no fight to make on any appointments the Governor may make.

Governor's Letter.

Austin, Texas, February 16, 1917.

Senators Dayton, Page and Henderson, Committee on University Investigation Matter.

Gentlemen: In response to your request as to my attitude on the ques-

tion of whether it is necessary to have an investigation of the University affairs, permit me to say that, in my opinion, the entire management of the University of Texas should be allowed to remain and continue within the discretion and judgment and power conferred upon the Board of Regents by the Constitution of the State of Texas.

The Board of Regents are the only constituted authority that could decide and determine all matters pertaining to the management and conduct of the University, and for that reason, in my opinion, it would be useless for the Legislature to undertake to inquire into the management of the University.

You will understand more fully the force of this when it is called to your mind that there is no charge made to the Senate of Texas against any member of the Board of Regents. All I ask is that the members of the Board of Regents who shall constitute that board in the future be left as free to exercise their constitutional powers as the Board of Regents have in the past.

Respectfully,
JAS. E. FERGUSON,
Governor of Texas.

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Saturday, February 17, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McCollum.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Johnson of Hall.	